



GUILDFORD
BOROUGH

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Pedro Wrobel
Joint Chief Executive
of Guildford and Waverley
Borough Councils

Contact Officer:

Sophie Butcher,
Democratic Services Officer

16 April 2024

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 24 APRIL 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: 959 858 387#.

Members of the public may watch the live webcast here:

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

Yours faithfully

Pedro Wrobel

Joint Chief Executive



MEMBERS OF THE COMMITTEE

Chairman: Councillor Vanessa King
Vice-Chairman: Councillor Dominique Williams

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 Gillian Harwood
Councillor Joss Bigmore	Councillor Bob Hughes
Councillor James Brooker	Councillor Sandy Lowry
Councillor Philip Brooker	Councillor Jane Tyson
Councillor Ruth Brothwell	Councillor James Walsh
Councillor Amanda Creese	Councillor Keith Witham
Councillor Jason Fenwick	Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

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

Our Mission:

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

Our Values:

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

Our strategic priorities:

Homes and Jobs

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

Environment

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

Community

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

AGENDA

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

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

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

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

3 MINUTES (Pages 19 - 30)

To confirm the minutes of the meeting of the Committee held on 27 March 2024 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 PLANNING AND RELATED APPLICATIONS (Pages 31 - 32)

All current applications between numbers 21/P/01882 and 23/P/02045 which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

- 5.1 **21/P/01882 - North Moors Allotment Site, North Moors, Worplesdon, Guildford, GU1 1SE** (Pages 33 - 64)
- 5.2 **23/P/01965 - Streamside, Harpers Road, Ash, Guildford, GU12 6DB** (Pages 65 - 152)
- 5.3 **23/P/02045 - Mandolay Hotel, 36-40 London Road, Guildford, GU1 2AF** (Pages 153 - 176)

6 PLANNING APPEAL DECISIONS (Pages 177 - 180)

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

WEBCASTING NOTICE

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

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

NOTES:

Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's Report by sharing the presentation on Microsoft Teams as part of the live meeting. Copies of all the presentations will be loaded onto the website to view and will be published on the working day before the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then attend in person to address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Alternatively, public speakers may join the meeting remotely. In these circumstances, public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Teams to attend online or via a telephone number and conference ID code as appropriate to the public speaker's needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure that those public speakers who have opted to join the meeting online are in remote attendance. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the DSO by no later than midday the day before the meeting. In such circumstances, the DSO will read out their speech.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to comment on an application, either in or outside of their ward, will be then allowed to speak for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes. Non-Committee members should notify the DSO, in writing, by no later than midday the day before the meeting of their wish to speak and send the DSO a

copy of their speech so it can be read out on their behalf should they lose their wi-fi connection. If the application is deferred, any councillors who are not members of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.

5. The Chairman will then open up the application for debate. The Chairman will ask which councillors wish to speak on the application and determine the order of speaking accordingly. At the end of the debate, the Chairman will check that all members have had an opportunity to speak should they wish to do so.
 - (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The DSO will advise when there are 30 seconds remaining and when the three minutes have concluded;
 - (b) No councillor to speak more than once during the debate on the application;
 - (c) Members shall avoid repetition of points made earlier in the debate.
 - (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
 - (e) If, during the debate on an application, it is apparent that Committee members do not support the officer's recommendation, the Chairman shall ask if any Committee member wishes to propose a motion contrary to the officer's recommendation, subject to the proviso that the rationale behind any such motion is based on material planning considerations. Any such motion must be seconded by another Committee member.
 - (f) Where such a motion proposes a refusal, the proposer of the motion shall be expected to state the harm the proposed development would cause in planning terms, together with the relevant planning policy(ies), where possible, as the basis for the reasons for refusal. In advance of the vote, the Chairman shall discuss with the relevant

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

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

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

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

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

6. Unless otherwise decided by a majority of councillors present and voting at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm. Any outstanding items not completed by the end of the meeting shall be adjourned to the reconvened or next ordinary meeting of the Committee.

7. In order for a planning application to be referred to the full Council for determination in its capacity as the Local Planning Authority, a councillor must first with a seconder, write/email the Democratic Services and Elections Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member). The Democratic Services and Elections Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. The matter would then be placed as an agenda item for consideration at the next Planning Committee meeting. The proposer and seconder would each be given three minutes to state their case. The decision to refer a planning application to the full Council will be decided by a majority vote of the Planning Committee.

GUIDANCE NOTE For Planning Committee Members

Probity in Planning – Role of Councillors

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

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoiding pre-conceived opinions;
3. carefully weigh up all relevant issues;
4. determine each application on its individual planning merits;
5. avoid undue contact with interested parties;
6. ensure that the reasons for their decisions are clearly stated and
7. consider the interests and well-being of the whole borough and not only their own ward.

The above role applies also to councillors who are nominated as substitutes to the Planning Committee.

Reason for Refusal

How a reason for refusal is constructed.

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

When formulating reasons for refusal Members will need to:

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

Example

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

Reason for Approval

How a reason for approval is constructed.

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

Example:

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

Reason for Deferral

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

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

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

NOTES:

Officer's Report

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

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

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

Written Representations

Copies of representations received in respect of the applications listed are available for inspection by Councillors online via the planning portal: <https://publicaccess.guildford.gov.uk/online-applications/>.

Late representations will be summarised in a report which will be circulated at the meeting.

Planning applications and any representations received in relation to applications are available for inspection at the Planning Services reception by prior arrangement with the Executive Head of Planning Development. This information is also available online via the planning portal: <https://publicaccess.guildford.gov.uk/online-applications/>

Background Papers

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

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).

- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- Emerging Local Plan Development Management Policies
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

Human Rights Act 1998

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

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

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

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

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

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public

authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

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

3 Article 14: prohibition from discrimination

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

4 Article 1 Protocol 1: protection of property;

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

5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

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

recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Costs

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

However, where:

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

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

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

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PLANNING COMMITTEE

* Councillor Vanessa King (Chairperson)
Councillor Dominique Williams (Vice-Chairperson)

* 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	

*Present

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Pat Oven, Joanne Shaw, Maddy Redpath and Dominique Williams. Councillor Jason Fenwick attended as a substitute for Councillor Pat Oven and Councillor Gillian Harwood attended as a substitute for Councillor Joanne Shaw.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

22/P/01757 – Gravetts Lane Stables, Tangle Lane, Worplesdon, Guildford, GU3 3JY

Councillor Bilal Akhtar declared a non-pecuniary interest in the above application owing to living close to the site. Councillor Akhtar confirmed that this would not affect his objectivity in the consideration of this application.

22/P/01846 – Westfield, Ockham Road North, East Horsley, Leatherhead, KT24 6NU

Councillor David Bilbé declared a non-pecuniary interest in the above application owing to his son living close to the site. Councillor Bilbé confirmed that this would not affect his objectivity in the consideration of this application.

PL3 MINUTES

The minutes of the Planning Committee held on 28 February 2024 were agreed and signed by the Chairperson as a true and accurate record.

PL4 ANNOUNCEMENTS

The Committee noted the Chairperson's announcements.

PL5 22/P/01757 - GRAVETTS LANE, TANGLEY LANE, WORPLESDON, GUILDFORD, GU3 3JY

The Committee considered the above-mentioned full application for demolition and replacement of Gravetts Lane Stables with nine residential units with associated parking and amenity space.

Whilst this application qualified for speakers owing to the number of representations received, nobody had registered to speak.

The Committee received a presentation from the Senior Planning Officer, Lisa Botha. The site was located within the Green Belt, was covered by an Article 4 Direction and was also located within the 400 metre to 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The site was located to the north of Tangley Lane and comprised of a number of buildings, sand school and hardstanding. A further three buildings were located further to the west which would also be demolished as part of the proposal.

The development had been designed to take the appearance of a converted farm complex set around a courtyard so to respect its transitional location and the boundary between the Green Belt and the urban area and to respect its rural setting. The access to the site was located to the south, with a terrace of three properties and two parking spaces each. Car parking spaces were also located on the opposite side of the road. A bin and cycle store was proposed underneath a canopy. A turning head for the refuse vehicles was planned giving enough space to turn onsite and move out in forward gear.

In summary, the proposal represented inappropriate development within the Green Belt due to the height of the proposed dwellings and the location of plots 1 and 3. However, it was considered that very special circumstances existed that clearly outweighed the identified harm. No harm was identified to the character

of the area, and it was considered that the proposed development would be appropriately rural in character in the transition between the urban area and the Green Belt. The dwellings were considered to be well designed and would provide a mix of property types to reflect the identified need in the borough. No harm to neighbouring amenity would occur due to the separation distances to neighbouring dwellings. Existing vehicle access to the site would be utilised and upgraded and sufficient parking would be provided onsite for any future occupants as well as visitors. No objection was raised to the proposed development in terms of impact on trees with regard to biodiversity and ecology.

A number of conditions had been added together with the biodiversity enhancements also secured by condition. Sustainability measures had also been considered as part of the proposed development and conditions recommended to secure these. The proposal was therefore considered by officers to be acceptable, subject to the completion of a unilateral agreement which would be sought to secure the necessary financial contributions in order to mitigate the impact of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA). The proposed development was therefore recommended for approval.

The Committee discussed the application and noted comments that the proposed development would be an improvement upon what currently existed. Given there was a village located nearby, it was queried why the site was not identified as a brownfield site rather than Green Belt. The Committee noted further comments regarding the benefit of replacing the existing buildings with much needed housing.

However, the development was nevertheless proposed on Green Belt land which was by definition inappropriate. By permitting such a development to take place would set a precedent for future applications submitted. The Committee agreed that the very special circumstances identified in the officer's report to outweigh the proposed development in the Green Belt were unconvincing. The proposal represented a significant extension of the built-up area. The environmental benefits afforded by the scheme purportedly increasing biodiversity were questioned given the biodiversity that already existed onsite in the Green Belt land. The scheme was not perceived as one which would significantly contribute towards meeting the housing need in the borough. The small economic benefit of having builders onsite would only be provided in the short-term. Crucially, the Green Belt had to be preserved.

The Committee also noted that there appeared to be two access point into the neighbouring fields and that by leaving access available, development would occur cumulatively by extending the urban area into the Green Belt. The Committee also noted that given only 9 houses were proposed, the developer was not obliged to provide affordable housing.

The Senior Planning Officer confirmed that the site was not agricultural and if it was it wouldn't benefit from the NPPF exemption for a development on previously developed land such as a brownfield site. The proposal had to be assessed against the very special circumstances afforded by the scheme weighed against the inappropriate form of development in the Green Belt. It was confirmed that the original application submitted was for x10 dwellings. Planning officers worked with the applicant to reduce the footprint of the buildings, a reduction in the volume of the development across the site and a reduction in the hard surfacing as well. Plots 1-3 were in a part of the site that was currently undeveloped, but it would take away volume and footprint from the higher points on the site which were more visible and bring it into a location closer to existing development. Access to the neighbouring field would need to be retained for legal reasons so that the horses that lived there could be tended to. If any further applications came forward, access would be assessed as part of that process. The area was also hard surfaced currently where the existing buildings were and therefore the additional planting proposed would enhance the land along with the removal of the hard surfacing. The buildings were not open either and therefore no bats would be roosting.

The Committee noted comments that the Green Belt could be built on if the very special circumstances that existed were strong and valid to counter the impact of such a development. Planning officers were satisfied that no harm had been identified to the character of the area nor would the development harm neighbouring amenities. In addition, the existing vehicle access would be utilised and upgraded. No objection to the development had been raised with regard to the impact on trees. Mitigation was also in place in terms of the S106 and SANGs funding contribution.

The Committee nevertheless agreed that the special circumstances did not outweigh the harm caused by the development to the Green Belt.

The Committee debated the reasons to refuse the application which was carried and voted by a show of hands, 8:2, with 2 abstentions.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Jason Fenwick	X		
2	Cllr Stephen Hives	X		
3	Cllr Bilal Akhtar	X		
4	Cllr James Jones		X	
5	Cllr Lizzie Griffiths	X		
6	Cllr Howard Smith		X	
7	Cllr Gillian Harwood	X		
8	Cllr David Bilbé	X		
9	Cllr Yves de Contades			X
10	Cllr Richard Mills	X		
11	Cllr Vanessa King		X	
12	Cllr Sue Wyeth-Price	X		
13	Cllr Cait Taylor			X
	TOTALS	8	3	2

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

RESOLVED to refuse application 22/P/01757 for the following reason:

There have been insufficient special circumstances demonstrated and therefore the proposed development would be an inappropriate form of development which was harmful to the Green Belt as well as impacting upon the openness of the Green Belt. As such, the proposal is contrary to Policy P2 of the Local Plan and paragraph 154 of the NPPF.

PL6 22/P/01846 - WESTFIELD, OCKHAM ROAD NORTH, EAST HORSLEY, LEATHERHEAD, KT24 6NU

The Committee considered the above-mentioned full application for erection of a pair of semi-detached dwellinghouses, new access, landscaping and parking.

The application had been referred to the Planning Committee because it was called in by a Ward Councillor under the historic 7-day notification process.

The Committee received a presentation from the Senior Planning Officer, Morgan Laird. The site adjoined ancient woodland to the rear of a site of nature conservation importance. It was also well surrounded by residential development, located within the identified settlement boundary of East Horsley and outside of the boundaries of flood zones 2 and 3. The proposed access was via Ockham Road North and would have two passing bays incorporated.

Part of the house included a large area of glazing to the rear, but this would be orientated towards the ancient woodland. Ecological reports were in place and the Surrey Wildlife Trust had not objected to the application subject to conditions. The right-side elevation of the properties would face towards the dwellings that had been recently constructed at Kirkwood and therefore the two first floor windows would look towards the gardens of those properties. To mitigate the potential for overlooking, a condition was recommended for those windows to be obscurely glazed. The proposed dwellings when compared to the dwellings to the rear at Kirkwood were marginally taller at 200mm, but given their separation distance, this was not considered significant.

Whilst the dwellings were located outside of flood zones 2 and 3, a safe means of escape would be provided as demonstrated by the Emergency Flood Escape Route Plan.

Permitted development rights were also proposed to be removed by condition as the development was with the 15-metre buffer zone from the ancient woodland. Consultation with the Surrey Wildlife Trust had been extensive and resulted in a Great Crested Newt Management Plan along with a series of ecological reports.

Planning officers considered that the proposed development would not result in harm to the character of the area. Whilst it was acknowledged that the dwellings were set back from the existing building line, the dwellings were located outside of the flood zone and the proposal would not have a harmful impact upon neighbouring amenity or highways. The application was therefore recommended for approval.

The Chairperson permitted the Democratic Services Officer to read out the Ward Councillors three-minute speech as Councillor Catherine Young was unable to attend.

The Committee noted concerns raised regarding the proposed development's proximity to flood zone 2 and that by moving the dwellings further into the site would not minimise the risk factor. Local planning authorities should ensure that

flood risk was not increased elsewhere by introducing a pair of semi-detached houses and increased levels of hardstanding. The proposal therefore failed the test of the Local Plan. An emergency flood plan would not satisfactorily address the issue of flooding overall. Concern was also raised that the Environment Agency had not been consulted.

The proposal would also harm the local character and introduce a new type of built form of semi-detached houses into an area characterised by large-detached houses. The proposal would also have a long narrow access way which would not be in accordance with Policy D8 of the Local Plan. Its entrance was directly opposite a primary school which should be regarded as a sensitive location. If the application was approved, the movement of construction traffic should be restricted around school pick-up and drop-off time.

In response to the concerns raised by the ward Councillor, the Senior Planning Officer, Morgan Laird confirmed that the proposal was supported by a Flood Risk Assessment which was undertaken as part of the consultation. It was maintained that it was not a requirement to consult with the Environment Agency owing to the dwellings being located outside of the flood zone. In relation to the concerns raised regarding the proposals effect upon the character of the area, it was noted that there were already a number of semi-detached properties located close by and therefore the proposal was consistent with the character of the area. Lastly, the County Highway Authority had not objected to the application, subject to the imposition of conditions.

The Committee discussed the application and noted that the garden on which the development was proposed was large. The land was inset and not Green Belt and therefore no reason could be identified to refuse the development proposed.

The Committee noted the ward councillors concerns regarding construction traffic and queried whether the hours of construction could be restricted during pick-up and drop-off times for the local school. Planning officers confirmed that condition 3 related to an Environmental Management Plan which would address this issue and in addition a further bullet point could be added to stipulate that delivery times of construction materials would be agreed with the Council.

The Committee noted further comments that the garden on which the development was proposed was huge and that the impact of two dwellings on this land was fairly minimal and was an effective use of the space. It was queried whether the flood risk assessment had considered climate change which was confirmed by planning officers that it had been. It was also confirmed that the

S106 Agreement would be secured with the applicant to ensure the necessary contributions to mitigate the harm on the Thames Basins Heath Special Protection Area (TBHSPA). It was lastly confirmed that construction workers had to abide by the construction badge which obliged them to collaborate with the local community in order to minimise any disruption caused by their activities.

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

RECORDED VOTE LIST				
		FOR	AGAINST	ABSTAIN
1	Cllr Richard Mills			X
2	Cllr Yves de Contades	X		
3	Cllr Howard Smith	X		
4	Cllr James Jones	X		
5	Cllr David Bilbé	X		
6	Cllr Vanessa King	X		
7	Cllr Cait Taylor	X		
8	Cllr Lizzie Griffiths	X		
9	Cllr Bilal Akhtar	X		
10	Cllr Gillian Harwood	X		
11	Cllr Stephen Hives	X		
12	Cllr Jason Fenwick		X	
13	Cllr Sue Wyeth-Price		X	
	TOTALS	10	2	1

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

RESOLVED to approve application 22/P/01846 and that delegated authority be granted to the Executive Head of Planning Development to approve planning permission subject to a Unilateral Undertaking securing SANG and SAMM for Thames Basin Heath Special Protection Area and associated conditions.

PL7 23/P/02048 - TALLAND, 13 BEECH LANE, GUILDFORD, GU2 4ES

The Committee considered the above-mentioned full application for proposed single storey front side and rear extensions, roof enlargement incorporating 2 rear dormer windows, changes to fenestration, recladding of entire enlarged dwelling in timber, conversion of garage to car port, and formation of raised patio and steps at rear (description amended 23/01/2024).

The application had been referred to the Planning Committee because the applicant was a spouse of a member of the Council.

The Committee received a presentation from the Senior Planning Officer, Morgan Laird. The site was located in the Guildford urban area and was not subject to any other planning constraints. There were a number of TPO trees to the front of the property. The existing dwelling was a bungalow which would be extended into a more contemporary dwelling and included a car port and an infill extension.

The topography of the site to the rear dropped considerably and was evidenced by the split-level design. Good separation distances would be maintained with neighbouring properties. Whilst the extensions proposed would be more contemporary, the site was not located in a Conservation Area and was not considered as a harmful addition to the character of the area. The proposal would also not have an adverse impact on the amenity of neighbouring properties. Lastly, the TPO trees would be protected.

The Committee discussed the application and agreed that it represented a welcome change to the area which was attractive in design. It was also noted to be a sensible modernisation of the existing dwelling.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr James Jones	X		
2	Cllr Bilal Akhtar	X		
3	Cllr Cait Taylor	X		
4	Cllr David Bilbé	X		
5	Cllr Gillian Harwood	X		
6	Cllr Vanessa King	X		
7	Cllr Stephen Hives	X		
8	Cllr Howard Smith	X		
9	Cllr Jason Fenwick	X		
10	Cllr Richard Mills	X		
11	Cllr Lizzie Griffiths	X		
12	Cllr Yves de Contades	X		
13	Cllr Sue Wyeth-Price	X		
	TOTALS	13	0	0

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

RESOLVED to approve application 23/P/02048 subject to the conditions and reasons as detailed in the report.

PL8 24/T/00018 - PEMBROKE HOUSE, 54 POTTERS LANE, SEND, WOKING, GU23 7AL

The Committee considered the above-mentioned Tree Preservation Order T18 (Norway maple) to fell to ground level. TPO No.9 of 2023. The application had been referred to the Planning Committee because more than 10 letters of objection had been received, contrary to the Officer's recommendation. However, nobody had registered to speak.

The Committee received a presentation from the Tree Officer, Tim Holman. The application was for the felling of one Norway Spruce at the property 54 Potters Lane also known as Pembroke House in Send. The tree was located in extensive grounds at a property that had changed ownership in the autumn of 2023. The Tree Officer had received a telephone call from ward members and residents of tree felling taking place near an Area TPO that was designated to protect all tree species that were present within the curtilage of 54 Pembroke House. The Norwegian maple had been mechanically ring barked. This is a deep cut around

the full circumference of the tree that penetrates through the outer protective bark layer. This damage would not kill the tree straight away, but it would interrupt the flow of nutrients and water up and down the tree and would lead to its demise in the next year. In addition, extensive mammal damage had been caused by rabbits and deer, bark stripping the tree. Such a wound to a tree would make it very susceptible to decay pathogens to get in and ultimately to decay at the base. The tree was also growing over the road and was one-sided in its growth pattern.

The Committee discussed the application and noted that the Norwegian Maple would not have had a TPO put on it as an individual species. The Committee noted that the tree had to be replaced within 3 years and queried if this could be conducted more quickly. The Tree Officer, Tim Holman confirmed that it was not for the Local Planning Authority to enforce and was for the property owner to conduct the works required. Owing to the tree over hanging the highway, Surrey Highways could serve a S154 Notice so that the work was conducted with a 28-day notice issued. It was also confirmed that it was up to the Committee’s discretion if they wished to specify that the works were conducted within 2 years or sooner. The Committee agreed that a condition was added stating that the works should be conducted within a year.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Cait Taylor	X		
2	Cllr Lizzie Griffiths	X		
3	Cllr James Jones	X		
4	Cllr David Bilbé	X		
5	Cllr Stephen Hives	X		
6	Cllr Yves de Contades	X		
7	Cllr Bilal Akhtar	X		
8	Cllr Gillian Harwood	X		
9	Cllr Jason Fenwick	X		
10	Cllr Richard Mills	X		
11	Cllr Howard Smith	X		
12	Cllr Sue Wyeth-Price	X		
13	Cllr Vanessa King	X		
	TOTALS	13	0	0

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

RESOLVED to approve the tree works subject to the conditions and reasons as outlined in the report and the additional condition recommending that the works are conducted within 1 year.

PL9 PLANNING APPEAL DECISIONS

The Committee discussed and noted the appeal decisions.

The meeting finished at 8.30 pm

Signed

Date

Chairman

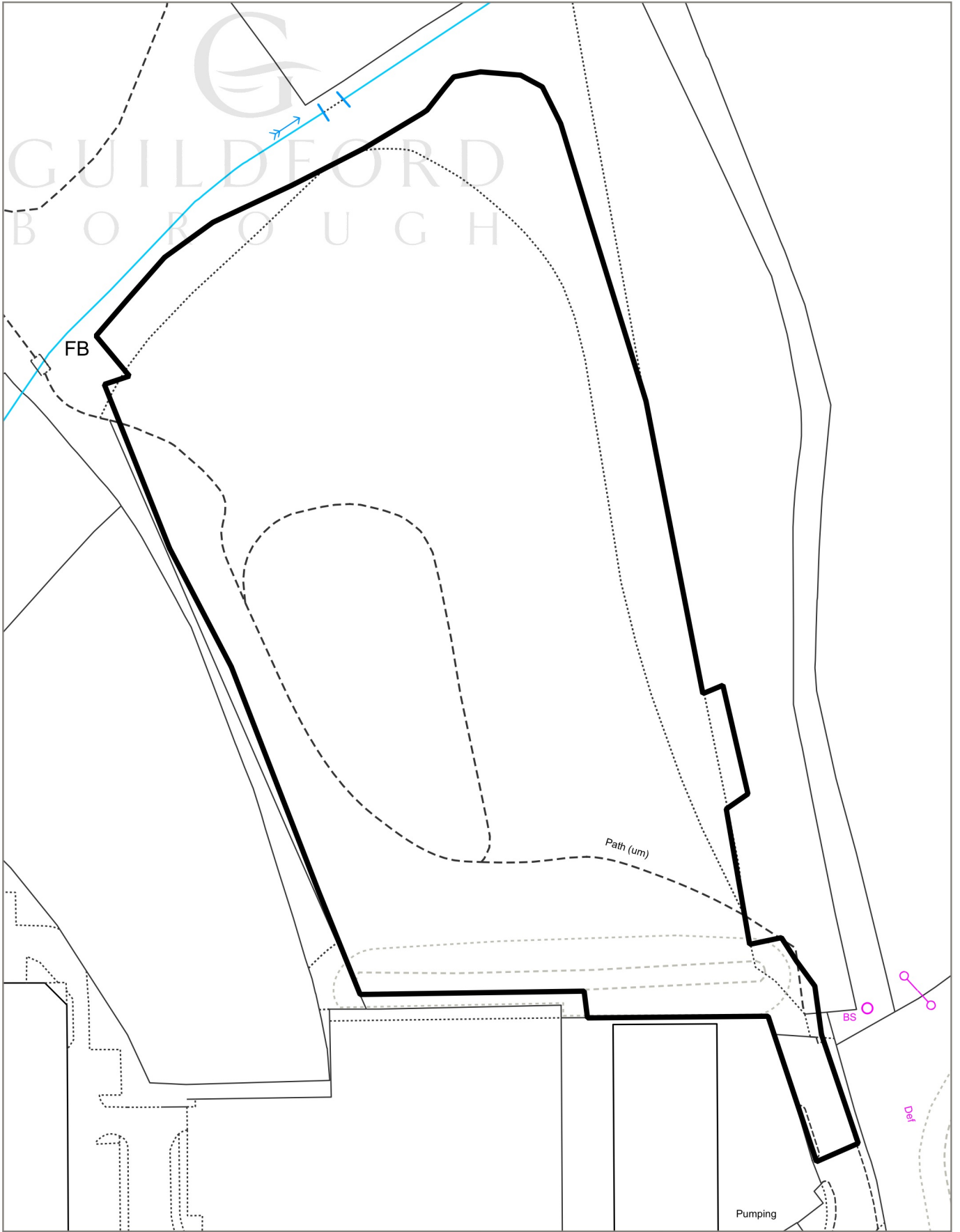
GUILDFORD BOROUGH COUNCIL**PLANNING COMMITTEE INDEX****24/04/2024**

Item No.	Ward	Applicant	Location	App.No.	Rec.	Page
5.1	Worplesdon	Guildford Borough Council	North Moors Allotment Site, North Moors, Worplesdon, Guildford, GU1 1SE	21/P/01882	APPC	33.
5.2	Ash Wharf	Bourne Homes Ltd, Langborough House	Streamside, Harpers Road, Ash, Guildford, GU12 6DB	23/P/01965	S106	65.
5.3	Castle	Mandolay Hotel	Mandolay Hotel, 36-40 London Road, Guildford, GU1 2AF	23/P/02045	APPC	153.

Total Applications for Committee**3**

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21/P/01882 - North Moors Allotment Site, North Moors, Worplesdon, Guildford



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21/P/01882 – North Moors Allotment Site, North Moors, Worplesdon, Guildford, GU1 1SE



App No: 21/P/01882 **8 Week Deadline**
Appn Type: Full Application **Extension of time:** 30/04/2024
Case Officer: Joanna Chambers
Parish: Worplesdon **Ward:** Worplesdon

Agent: Savills **Applicant:** Guildford BC
Mountbatten House, Millmead
1 Grosvenor Square Guildford
Southampton Surrey
SO15 2BZ

Location: North Moors Allotment Site, North Moors, Worplesdon,
Guildford, GU1 1SE

Proposal: Change of use of amenity land to deliver 78 allotment plots, bee keeping facilities, composting areas, community buildings, landscaping and associated cycle storage and car parking (Revision of Location Plan to Application 20/P/00197).

Executive Summary

Reason for Referral

This application has been referred to the Planning Committee because the Council is the owner of the land and also the applicant. It relates to the adjoining Slyfield Area Regeneration Project (SARP) which is one of the largest strategic sites (Site A24) in the Guildford Borough Local Plan: strategy and sites (LPSS) 2019 and the Council's main regeneration project.

Key Information

The application has been submitted on behalf of Guildford Borough Council ('the Applicant') acting in its capacity as landowner in support of the Slyfield Area Regeneration Project (SARP). Hybrid planning consent (Ref: 20/P/02156) was granted in March 2022 for a sustainable, mixed-use riverside community now referred to as Weyside Urban Village (WUV). The WUV masterplan incorporates new homes integrated alongside landscaped open spaces, associated community, and retail facilities, with associated infrastructure

including highways and green spaces. The site has the capacity to deliver approximately 1,500 new homes together with community and employment uses.

The development is required to facilitate the WUV development which requires the re-provision of allotments from the existing Bellfields site. GBC purchased the application site to relocate up to 724 rods, with the remaining provision to be located at the existing Aldershot Road allotment site.

The application site comprises approximately 2.4ha of land to the north of Slyfield Industrial Estate. The boundaries are marked by a mix of woodland, hedgerows and dry ditches. The site is accessed from North Moors which is within the Industrial Estate. A public footpath runs across the site and through the woodland to the east which links Slyfield to Jacobs Well. A public footpath diversion order has been granted to accommodate the proposed development.

The application seeks the change of use of the land to allotments and would provide 78 new allotment plots (724 rods) and 2 bee keeping plots. The application also includes the provision of a small building containing w.c. facilities, an office and storage areas. Each of the plots would include a 6x4ft shed and a water-butt. Water for the plots would also be available from standpipes distributed throughout the site. Access to the site would be from North Moors which would lead to a small car park for 9 vehicles and approximately 6 bicycles.

Planning permission was granted for the same development in June 2020 (Application Ref: 20/P/00197). and site clearance and preparatory works commenced in October 2020. However, having undertaken the site clearance work under this extant planning consent, it came to the attention of the Applicant that the site boundary shown on the planning application was incorrect. This necessitated the submission of a new full planning application (the current planning application) in September 2021 to regularise the site boundary and to move the boundary 2m further south. Following consultation and discussions with adjoining landowners it subsequently became apparent that an additional tranche of updates to the approved drawings were necessary, principally in regard to the site's southern boundary to exclude land owned by The Post Office. The design and layout of the proposed allotment facilities (storage, office space. Toilets etc) were also updated in consultation with The Guildford Allotments Co-operative Society Ltd (GAS). These revised drawings were submitted in September 2023 and the time elapsed due to the

need for further work to be undertaken accounts for the delay in determination of this application.

Following the commencement of development in October 2020 under the extant planning consent (20/P/00197), a significant amount of work has been undertaken comprising:

- Creation of the allotment plots to the north/ east of the original PROW;
- Construction of the car park and access driveway (currently waiting to be surfaced and no buildings on site);
- Installation of allotment boundary fencing and gate;
- Installation of drainage infrastructure

The following works are required to complete the development:

- Completion of allotments to the west/ south of the original PROW
- Installation of allotment buildings
- Installation of landscaping and boundary planting.

The current application is required to enable the completion of the allotments and approval is sought to the following changes to the approved scheme:

- i) Realignment of the southern boundary (red line) to exclude the Post Office land;
- ii) Associated redesign of the car park, allotment facilities and vehicular access and amendment to allotment layout (Plots 1 and A7);
- iii) Reduction in the EV charger capacity from 7kw to 3.6 kw due to lack of electrical capacity in the local grid.

Summary of Considerations and Constraints

Planning permission was granted for the development of the North Moors Allotment site in October 2020 and the principle of development has therefore been established. Development has commenced under the extant consent and a significant amount of work has been undertaken. The current application seeks to formalise changes to the site boundary and layout of the allotments and design of associated facilities to enable the allotments to be completed and made available for use.

The application site is located within the Green Belt and is adjacent to the Slyfield Industrial Estate and the Slyfield Area Regeneration Project site. The proposal constitutes appropriate development in the Green Belt and would be

a significant benefit to the local community supporting local and national objectives for healthy and active lifestyles. The development of the allotments in this location would not prejudice the delivery of the adjoining waste treatment plant and will facilitate the wider Slyfield Area Regeneration Project.

The development necessitates the loss of semi-improved grassland, scrub, scattered (young) trees, (young) plantation woodland and tall ruderal habitat. However, the proposed design provides for embedded mitigation, avoiding effects on features of ecological value with further measures to deliver compensation and biodiversity enhancements as set out in the previously approved and implemented Landscape and Ecology Management Plan (LEMP). The LEMP also forms part of the current application. The development would not materially impact on the character of the area, residential amenity or highway safety.

Some concerns have been raised by The Guildford Allotments Co-operative Society Ltd (GAS) about the revised layout and location of the allotment facilities and the attendant risk of crime/ anti-social behaviour. The Applicant advises that the proposed layout is the configuration that best delivers on these requirements whilst working within the confines of the existing site in respect to levels, trees and landscaping which constrain the width and arc of the access track to the east. A condition is proposed to address concerns about security which requires the implementation of a written scheme for the reduction of opportunities for crime including details of locks, lighting and CCTV. The Applicant has subsequently met with GAS to discuss the project in further detail, and this has resulted in amendments to the internal layout of the allotment facilities.

Officers are satisfied that the changes to the planning application do not deviate from the scheme previously approved by Planning Committee at the meeting on 19th June 2020. The proposals comply with the requirements of National Policy, local plan (including the Local Plan Part 2 adopted in March 2023).

For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan.

RECOMMENDATION:

That this application be **GRANTED** subject to the conditions set out below for the reasons set out in the body of the report.

1. The development hereby permitted shall commence 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 list of approved plans and documents.

Drawing No/Document	Title
SNPL442977_303 Rev C	Location Plan
SNPL442977_302 Rev N	Proposed Facilities
SNPL442977_Rev M	Landscape Proposals
SNPL442977_304 Rev A	Services Floor Plan
20233-MA-XX-NOMO-DR-C-0101-D4-P02	General Arrangement
20233-MA-XX-NOMO-DR-C-0111-D4-P02	Statutory Undertakers
20233-MA-XX-NOMO-DR-C-0201-D4-P02	Site Clearance
20233-MA-XX-NOMO-DR-C-0601-D4-P02	Contours Plan
20233-MA-XX-NOMO-DR-C-0701-D4-P02	Road Pavements
20233-MA-XX-NOMO-DR-C-1101-D4-P02	Kerbs Footways and Paved Areas
20233-MA-XX-NOMO-DR-C-1201-D4-P02	Road Markings & Signs
20233-MA-XX-NOMO-DR-C-2601-D4-P02	Horizontal Alignments & Long Sections
20233-MA-XX-NOMO-DR-C-2655-D4-P02	Cross Sections
20233-MA-XX-NOMO-DR-C-4005-D4-P02	Standard Details (Sheet 1 of 2)

20233-MA-XX-NOMO-DR-C-4006-D4-P02	Standard Details (Sheet 2 of 2)
20233-MA-XX-NOMO-DR-D-0501-D4-P02	Drainage Layout
20233-MA-XX-NOMO-DR-D-4505-D4-P01	SUDS Cross Section Details
19215-MA-SK-101 Rev P08	Car Park Access Road -
42287/2001/001	Proposed Lighting Layout
J6/04030	2.44m High Securimesh Fence Detail
Stantec, February 2020	Lighting Note
Stantec, January 2020	Flood Risk Assessment
Stantec, January 2020	Preliminary Site Waste Management Plan
Stantec, January 2020	Preliminary Contamination and Land Stability Assessment
Stantec, January 2020	Surface Water Drainage Strategy
Stantec, April 2020	Response to LLFA
January 2020	SCC Surface Water Pro Forma
Stantec, January 2020	Sustainability Statement
Kernon Countryside Consultants, January 2020	Assessment of Soil Suitability
Orion, January 2020	Heritage Baseline Assessment
PBA, October 2019	Landscape and Visual Technical Note
Markides Associates, January 2020	Transport Statement
Stantec, 31 August 2021	Landscape and Ecological Management Plan
Stantec, 31 August 2021	Ecological Assessment Report Rev1
Treework Environmental, 27 August 2021	Arboricultural Method Statement
Treework Environmental, 27 August 2021	Arboricultural Impact Appraisal
Markides Associates, December 2023 (Ref: SNPL 442977 Rev V1)	Technical Response to LLFA Comments
November 2022	Hydraulic Calculations
December 2023	SuDS Management Plan

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans and documents is achieved in practice.

3. The development hereby permitted shall be undertaken in accordance with the approved Arboricultural Method Statement and Arboricultural Impact Assessment (Ref: 200317-1.3-ARAG-AIA-LF). 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. This is required to be a pre-commencement condition to ensure that tree protection is installed before work commences.

4. The development shall be undertaken in accordance with the approved Landscape Proposals. There shall be no variation from the approved details and the landscaping scheme shall be fully implemented before the allotments hereby approved are first brought in to use (or other timescale as may be agreed in writing with the Local Planning Authority). Any of the proposed trees, shrubs or plants that die, become damaged or diseased within 10 years of planting shall be replaced by replacement of a similar size and species to those that are to be removed.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no buildings, structures, fences or hard surfaces shall be erected or created on the site other than those shown on the approved plans.

Reason: In the interests of visual amenity and to control further development within the site.

6. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Ecological Assessment Report (dated August 2021) and the Landscape and Ecological Management Plan (dated August 2021) and there shall be no variation from the approved details unless first agreed in writing with the Local Planning Authority. Following the completion of the development, the site and the proposed replacement landscaping areas shall continue to be managed in accordance with the recommendations of these documents.

Reason: To mitigate against the loss of existing biodiversity and natural habitats

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

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

8. No vehicle shall access the site from North Moors unless and until the proposed vehicular access hereby approved has been constructed in accordance with Drawing 20233-MA-XX-NOMO-DR-C-0101 P02.

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.

9. The development hereby approved shall not be first opened for use unless and until informal crossing points in the form of dropped kerbs and tactile paving have been provided at the following locations:

- (i) across the proposed access road where it meets the proposed parking area;
- (ii) across the bellmouth of Dennis Way; and
- (iii) across the proposed access road where Footpath 438 meets the proposed new carriageway

in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the informal crossing points shall be retained and maintained for its designated purpose.

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.

10. The development hereby approved shall not be first opened for use unless and until space has been laid out within the site in accordance 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 area shall be retained and maintained for its designated purpose.

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.

11. The development hereby approved shall not be first opened for use unless and until one of the available parking spaces is provided with a 3.6kW electric vehicle charging socket in accordance with the approved plans, and thereafter shall be 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.

12. The development hereby approved shall not be first opened for use unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer 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: The above conditions are required 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.

13. The development hereby approved shall not be occupied until a written scheme for the reduction of the opportunities for crime, including details to be implemented such as locks, lighting and CCTV has been submitted to and approved by the Local Planning Authority. Once approved, the agreed measures shall be implemented in accordance with the agreed timescale and reviewed and developed in consultation with users of the allotments and to the reasonable satisfaction of the Local Planning Authority.

Reason: To manage the risk of crime and anti-social behaviour.

Informatives:

1. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain

prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use the reference number in any future correspondence.

2. 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) 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.
3. 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.
4. 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.

5. The developer is advised that Public Footpath Numbers 438 and 581 cross 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.

Officer's Report

Site Description

The application site comprises approximately 2.4ha of land to the north of Slyfield Industrial Estate. The site formerly comprised scrub grassland with a small areas of young regenerating woodland in the northern part of the site. The site has been cleared and has been laid out as allotments under the extant planning consent (20/P/00197). The boundaries are marked by a mix of woodland, hedgerows and dry ditches. The site is accessed from North Moors which is within the Slyfield Industrial Estate. There is a public footpath running adjacent to the east boundary of the site which links Slyfield to Jacobs Well. A public Path Diversion Order was approved on 26th October 2023 for the diversion of the public footpath which runs through the site to allow for the development of the allotments.

The site is bounded to the south by a Royal Mail depot which is within the Industrial Estate while the north, east and west boundaries adjoin open fields.

Proposal

Consent for the use of the land as Allotments was granted on 17th June 2020 (20/P/00197). Having undertaken extensive site clearance work it came to the

attention of the Applicant that a chain-link fence had mistakenly been used as the site’s southernmost boundary in the planning application. On review, the Applicant confirmed the land between the chain-link fence and steel palisade fence should have been included within the site and the chain-link fence could be removed. This necessitated the submission of a full planning application in order to correct this error and to move the red line and blue planning application boundary lines 2m further south.

Alongside the red line correction, the new application seeks to regularise a number of additional items which have arisen during the preparation of the construction drawing pack. Due to inaccuracies identified in the topographic survey, further access and arboricultural constraints have been identified at the north-west and eastern boundaries. In order to mitigate impacts on trees in these areas, the boundaries have been reduced.

The proposed changes may be summarised as follows:

- i. Realignment of the southern boundary (red line) to exclude the Post Office land;
- ii. Associated redesign of the car park, allotment facilities and vehicular access and amendment to allotment layout (Plots 1 and A7);
- iii. Reduction in the EV charger capacity from 7kw to 3.6 kw due to lack of electrical capacity in the local grid.

The number of allotment plots remains as permitted (78 No.) but due to the change in site boundary, the order and size (nos. of rods) of some of the plots as shown on the landscape plan has changed.

Relevant planning history

Planning reference	Description	Decision
20/P/02155	Hybrid planning application for the redevelopment of part of the allocated site for the Slyfield Area Regeneration Project for a mixed-use development (known as Weyside Urban Village) comprising: A. Outline planning approval for the demolition of existing buildings and infrastructure and outline planning permission for up to 1550 dwellings;	Granted 30 March 2022

local centre comprising up to 1800 sqm of retail (inc. convenience store), healthcare, community, nursery and flexible employment uses (Use Class E); up to 500 sqm of flexible community facilities (Use Classes E/F1/F2); up to 6,600 sqm of flexible employment space (Use Classes E/B2/B8); up to 30,000 sqm for new Council Depot Site (Use Classes E/B8); 6 Gypsy and Traveller pitches (Use Class C3); and associated road infrastructure, landscaping (including Sustainable Drainage Systems) and amenity space.

- B. Full planning permission for the development of primary and secondary site accesses, internal access roads and associated landscaping.
- C. Full planning permission for engineering operations associated with remediation and infrastructure, including primary and secondary substations; utilities and drainage (including Sustainable Drainage Systems).

20/P/00197	Change of Use of amenity land to deliver 78 allotment plots, bee keeping facilities, composting areas, community buildings, landscaping and associated cycle storage and car parking	Granted 22 nd October 2020
ROW/3310143M	Footpath at North Moors, Public Path Diversion Order 2022 with modifications to part of new path	Confirmed 26 th October 2023

Consultations

Two rounds of consultation have been undertaken on this planning application. The first round of consultation related to the proposals submitted in August 2021 and the second followed the submission of amended drawings in September 2023.

The consultation responses are summarised below.

Natural England: No comments.

Environment Agency: No comments.

SCC Lead Local Flood Authority: No objection subject to conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Officer Note: The LLFA requested further information regarding the proposed surface water drainage scheme which the applicant has provided in December 2023.

County Highway Authority: No objection subject to conditions including the provision of additional dropped kerbs and provision for cycle parking. The additional dropped kerbs are considered justified given that since the existing consent was granted, SCC have adopted LTP4 (2022) and SCC's Healthy Streets (2023) policies which place a far greater emphasis on pedestrian accessibility and promoting active travel. The CHA is satisfied with the proposed number of cycle parking spaces provided but require that e-bike charging is provided. The CHA would be satisfied with a timed three-pin socket to serve the 6 Sheffield stands proposed. The reduction in the EV charger capacity is acceptable and will be reflected in the wording of the planning condition.

Surrey CC Historic Environment: The application is supported by a desk-based heritage assessment produced by Orion Heritage Ltd which has consulted all available sources and concludes that the site has a low archaeological potential and has been previously disturbed by landfill operation. It is therefore very unlikely that significant archaeological remains will be impacted upon by the proposals and the assessment fulfils the policy requirement and no further archaeological works will be required.

Surrey Wildlife Trust: SWT has advised that the documentation submitted does constitute up to date information and without up-to-date ecological survey information it is difficult for SWT to advise fully on the ecological consequences of the proposed development. Therefore, SWT has

recommended that prior to determination of this planning application, the development site is subject to an updated ecological assessment undertaken by a suitably qualified ecologist to help determine the status of ecological features on site which could be adversely affected by the proposed development works, and to put forward for consideration by the LPA any required impact avoidance and mitigation proposals to prevent such effect. SWT also advise that an appropriately detailed biodiversity net gain assessment should be submitted to demonstrate a measurable biodiversity net gain and how this will be secured.

Officer Comment: SWT acknowledge that development of the site has commenced and substantially implemented under the extant consent and that some of the site conditions may now be markedly different to the approved ecological assessment. SWT also acknowledges that the revisions to the extant consent being applied for under the new application are not significantly different to the approved scheme. Given that the development has been substantially implemented (including site clearance) in accordance with the extant consent and the current application relates only to the final stages of the project, Officers are of the view that it would be expedient for the development to be completed in accordance with the previously approved ecological assessment and Landscape and Ecological Management Plan which has already been implemented and will secure appropriate ecological benefits on the site.

Thames Water: No comments

Guildford Allotment Society: Concern about loss of allotment land due to reduction of plots and further details of access, drainage and waste storage requested. Also concerned about delay in making the new allotments available for use. GAS requested in their response of November 2023 that the following comments be reported to Planning Committee.

‘This revision is only required because GBC got the original landholding and site boundary wrong; the remedy has been an inferior development to that originally proposed. The revised building location materially obstructs the line of sight between plots and the entrance, which was a security feature of the original plan. There is considerable anxiety about the isolation of the site and security was a major part of the original planning application. Vehicle access to the trackways on site is now impeded by the buildings being re-sited, thus reducing the ease of ability to deliver direct to plotside using larger vehicles. The preferred positioning of the buildings is next to the southern boundary, as

close as possible to the original proposed siting; preferably to the west of the now constructed car parking area. We requested this at the time of the plans being drawn up but were told that to do it any differently would mean having to go for planning permission again and they didn't want to delay the project. We now see that they have had to go for Planning Permission and therefore why can't our requests be taken into account? Having the buildings close to the boundary allows better use of the remaining land for allotment use, the whole purpose of the site in the first place. We strongly urge the Planning Authorities to give consideration to re-siting the buildings as we request. We are the users and potential managers of this site and feel our not unreasonable suggestions should be taken into consideration'.

Officer Comment: The Applicant has advised that discussions have continued with the Guildford Allotments Society to address these concerns. The Applicant has responded to the issues raised as follows:

'The realignment of the southern red line boundary was necessary to account for a discrepancy in the title plans of the site and the Post Office building to the south. The movement of the southern boundary necessitated an internal redesign of the car park, proposed facilities, access, and the revised PRow, ensuring that these are situated wholly in Guildford owned land. Informing this redesign exercise were a number of key technical principles and design points that that the redesign was duty bound to incorporate:

- *No overall loss of allotments rods*
- *Provision of 2no. DDA Bays (with sufficient aisle width)*
- *Dropped kerb footway*
- *Sufficient room for an ambulance to access and turn*
- *Incorporation of an infiltration trench*
- *Vehicular access to the allotment plots*

The proposed layout submitted is the configuration that best delivers on these requirements whilst working within the confines of the existing Site in respect to levels, trees and landscaping which constrain the width and arc of the access track to the east. Whilst the proposed buildings will sit somewhat between the allotments and the entrance this will be the case for only a small number of the plots immediately adjacent. Oversight/passive surveillance of the entrance and car park will be available from all other plots.'

As a result of the on-going engagement with the Guildford Allotments Society since the submission of their representations in November 2023, some further amendments have been made to the internal arrangement of the allotment facilities to address their requirements. A condition is also proposed which requires the submission of a written scheme for the reduction of opportunities for crime including details of locks, lighting and CCTV.

Planning Policies

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

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

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough- our spatial strategy

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy D1 Place shaping

Policy D2 Climate change, sustainable design, construction and energy

Policy D3 Historic environment

Policy ID1 Infrastructure and delivery

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

Site Allocation A24: Slyfield Area Regeneration project, Guildford

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

Policy P6: Protecting Important Habitats and Species

Policy P7: Biodiversity in new developments

Policy P9: Air quality and Air Quality Management Areas Policy

Policy P10: Water quality, Waterbodies and Riparian Corridors

Policy P11: Sustainable Surface Water Management

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D6: External Servicing Features and Stores

Policy D7: Public Realm

Policy D11: Noise Impacts

Policy D12: Light Impacts and Dark Skies Policy

Policy D15: Climate Change Adaptation

Policy ID7: Community Facilities

Policy ID9: Achieving a Comprehensive Guildford Borough Cycle Network

Policy ID10: Parking Standards

National Planning Policy Framework (NPPF):

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

Chapter 13: Protecting Green Belt Land

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

Surrey Waste Plan 2019-2024

Policy 11A: Strategic Waste Site Allocations

Policy 12: Wastewater Treatment Works

South East Plan 2009 (as saved by CLG Direction):

Policy NRM6 Thames Basin Heath Special Protection Area Page 6

Supplementary planning documents:

Strategic Development Framework SPD (July 2020)

Parking Standards SPD (March 2023)

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

Other guidance:

National Design Guide (NDG) (2019)

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Designations relating to the site:

The application site is entirely within the Metropolitan Green Belt.

Planning Considerations and Appraisal

The main planning considerations in this case are:

- The principle of development

- Changes to the approved boundary and layout of the proposed development
- The impact on trees, vegetation and the character of the area
- The impact on protected species and biodiversity
- Drainage and the impact on flood risk
- The level of parking and impact on highway safety
- The risk of crime and anti-social behaviour

Principle of Development

The principle of development has been established under the extant planning permission ref: 20/P/00197.

The site is located wholly within the Green Belt. Development within the Green Belt is inappropriate unless it falls within a limited number of exceptions set out in the NPPF and these are reflected in Policy P2 of the Local Plan. One exception to the general presumption against development is the provision of appropriate facilities (including with a change of use of land) for outdoor sport, outdoor recreation, burial grounds and allotments, provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The change of use of land is also appropriate development provided in maintains the openness of the Green Belt and therefore the main consideration in assessing compliance with Green Belt policy is whether the built facilities are appropriate to the proposed use of the site as allotments. The development proposed includes very little in the way of built facilities with only a small building close to the entrance, which would include a small office, kitchenette and toilet facilities. Each plot would be provided with a 6x4 shed and a water butt; there would be a small structure for rainwater storage and the site would be secured by 2.4m mesh fencing. The built facilities are individually and cumulatively small in scale, are typical to support allotment sites, and are appropriate in all other respects. The development would have very little impact on the openness of the Green Belt and would not conflict with the purposes of including land within it.

Accordingly, it is concluded that the development represents appropriate development of this Green Belt site. The proposal complies with the objectives of the NPPF and Policy P2 of the Local Plan. The principle of the development is

therefore acceptable, and the main consideration relates to the impact of the proposed boundary change and layout of the allotments.

Changes to the approved boundary and layout of the proposed development

The site boundary has been amended to take account of land ownership and to address access and arboricultural constraints. Since the submission of the application, the southern boundary has been realigned to exclude land owned by the Post Office and the northwest and eastern boundaries have been reduced to mitigate impact on trees. As a result, whilst the number of allotment plots remains as permitted, due to the changes in site boundary, the order and size of a limited number of the plots shown on the landscape plan and the layout of the allotments has changed.

Concerns have been raised by the Guildford Allotments Society (GAS) about the proposed arrangement and the impact this will have on users. They are of the view that the revised building location materially obstructs the line of sight between plots and the entrance, which was a security feature of the original plan and that vehicle access to the trackways on site is now impeded by the buildings being re-sited, thus reducing the ease of ability to deliver direct to plotside using larger vehicles. GAS would prefer to see the buildings positioned next to the southern boundary, as close as possible to the original proposed siting, preferably to the west of the now constructed car parking area. GAS is of the view that having the buildings close to the boundary allows better use of the remaining land for allotment use and have asked the Planning Authority to give consideration to re-siting the buildings as requested.

The realignment of the southern boundary has necessitated an internal redesign of the car park, proposed facilities, access, and the revised PRow, ensuring that these are situated wholly in Guildford owned land. The redesign has been required to incorporate the following requirements:

- No overall loss of allotments rods
- Provision of 2no. DDA Bays (with sufficient aisle width)
- Dropped kerb footway
- Sufficient room for an ambulance to access and turn
- Incorporation of an infiltration trench
- Vehicular access to the allotment plots

The Applicant advises that the current layout best delivers on these requirements whilst working within the confines of the existing site in respect to levels, trees and landscaping which constrain the width and arc of the access track to the east. Whilst the proposed buildings will sit somewhat between the allotments and the entrance this will be the case for only a small number of the plots immediately adjacent. Oversight/passive surveillance of the entrance and car park will be available from all other plots and there will be views through the buildings to the car parking area.

The Applicant has been engaged in on-going discussions with the Guildford Allotment Society and whilst it has not been possible to relocate the buildings due to site constraints, some amendments have been made to the internal layout of the allotment facilities to meet user requirements. Given the constraints of the site and the operational requirements of the allotments, it is considered that the proposed layout is acceptable based on the information provided by the Applicant.

Impact on trees, vegetation and the character of the area

The changes to the site boundary and layout will not impact the appearance of the development and the character of the surrounding area. The Proposed Development will introduce small scale-built form into an otherwise unmanaged open site. However, the retention of the boundary trees would ensure that the development would have little impact on the visual amenities of the wider area and limit longer range views into the site including those from Jacobs Well. While glimpsed views of the allotments will be visible from the surrounding area and from the PRoW to the east of the site, the development adjoins an area characterised by existing large buildings within the Slyfield Industrial Estate and would not materially impact on the character or appearance of the local area.

The boundary changes have mitigated the impact of the development on existing trees with the retention of additional trees on the northwest boundary of the site. Proposals include the protection, retention and management of existing mature trees and vegetation within the GBC land holding. The majority of the mature woodland along the eastern boundary will be maintained, with enhancements as detailed in the Landscape and Ecological Management Plan. The use of Cellweb has been proposed to reduce the impact of the allotment

tracks on tree roots. An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted with the planning application.

Impact on protected species and biodiversity

The application site contains areas of potential habitat for protected species which include the regenerating woodland, scrub and grassland as well as the trees and hedges which mark the site boundary. An Ecological Assessment has been submitted in support of the application which identifies a scheme of mitigation that will be implemented alongside the development including new grassland and scrub planting, new trees within the woodland belts and the creation of shelter/hibernation features for reptiles. Surrey Wildlife Trust considered the document was sufficient to inform the consideration of the previous application and measures have been implemented in accordance with approved scheme of mitigation. The current planning permission does not propose any changes to the previously approved scheme of mitigation and measures to ensure protected species are not harmed by the proposed development during the construction phase. Replacement planting and habitat will be managed for the lifetime of the development for its biodiversity value, and this was made subject to a planning condition.

In responding to consultation on the current application, Surrey Wildlife Trust has expressed concern that the Ecological Assessment is out of date as it was prepared in 2019 and is now over 4 years old and that without up-to-date ecological survey information it is difficult to advise fully on the ecological consequences of the proposed development. Therefore, SWT has recommended that prior to determination of this planning application, the development site is subject to an updated ecological assessment undertaken by a suitably qualified ecologist to help determine the status of ecological features on site which could be adversely affected by the proposed development works, and to put forward for consideration by the LPA any required impact avoidance and mitigation proposals to prevent such effect.

Consideration has been given to SWT's advice in consultation with the applicant. In doing so, it is important to note that the site has been cleared under the previous consent and the revisions being applied for under the current application are not significantly different to the approved scheme. The

Applicant has been advised by Stantec that a re-survey at this time could act to devalue the original Biodiversity value and interests of the Site and in order to avoid de-valuing the baseline conditions of the Site with respect to Biodiversity in this new application, the Applicant has therefore presented the Ecological Conditions of the site prior to vegetation management and site clearance in the same manner as for the first Application. Given that the site has been cleared and development has commenced under the extant consent, it is considered that this is a reasonable approach and that the Ecological Assessment Report and the implementation of the agreed scheme of mitigation is acceptable in these circumstances. The requirement for a new Ecological Assessment and revised LEMP would also delay completion of the allotment site. Furthermore, it is not considered that a requirement for a Biodiversity Net Gain Plan would be reasonable in these circumstances given that the development has commenced under the extant consent and approved LEMP.

Under the extant consent, the applicant is required to undertake all the recommended actions in Section 4 of the Ecological Assessment Report and the Biodiversity enhancements detailed in Section 5. The previously approved Landscape and Ecological Management Plan (LEMP) has been submitted with the current planning application to ensure consistency and the Applicant will be required to undertake all the recommended actions to help protect habitat and species from potential adverse effects of the development process and maintain and enhance the biodiversity value of the site post development. In addition to the retention of the mature woodland along the eastern boundary, scrub planting, woodland herbaceous planting, individual tree planting and native species rich grassland planting is also proposed along the northern and eastern boundaries. A small amount of meadow and scrub mix planting is proposed along the western boundary and wildlife friendly planting will be provided within the allotment site. The Proposed Development will create habitat for a range of wildlife which may use the Site. Three snake mounds are proposed along the northeastern corner of the Site where grass snakes can lay and incubate their eggs. Additionally, several hibernacula, formed from stacked logs and vegetation, are proposed along the eastern boundary within the woodland. These will provide semi-natural habitat for use by a range of wildlife. Nest/roost boxes will be provided for bats, birds and invertebrates in the woodland belt for shelter/ hibernation. Two bee plots are proposed along

the eastern boundary of the planting area which will have benefits for both the allotments and the proposed ecological features including higher yield and better quality of produce, as well as aiding in the establishment of the proposed planting. The approved LEMP also outlines the on-going maintenance and monitoring necessary to support the landscape and ecological mitigation measures.

Designing out impacts and implementing appropriate mitigation, compensation and enhancement measures will enable the development to be ecologically sound, legally compliant and accords with national and local policy.

Drainage and the impact on flood risk

The application site is located partly in Flood Risk Zone 2 where there is a medium risk of fluvial flooding and part of the northern boundary of the site is also at risk of surface water flooding. The application is supported by a Flood Risk Assessment. The use of the land for allotments is considered to be a 'less vulnerable' use and is an appropriate use for land in Flood Zone 2.

A detailed surface water drainage scheme has been approved under Condition 7 of the extant consent and is being implemented. The Lead Local Flood Authority has confirmed that the amended design is acceptable. A granular material has been specified to be used on the main car parking running surface and this will allow water to infiltrate down through to the sub-base below and to the filter trench, as necessary. A condition is proposed to ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS.

The Level of Parking and impact on highway safety

The current application seeks the redesign of the car park and access as previously approved. Alongside these physical changes, the Applicant is also seeking to reduce the EV charger capacity from 7kw to 3.6kw due to the lack of electrical capacity in the local grid. The requirement for the delivery of a 7kw charger is enshrined in Condition 10 of the extant planning consent (20/P/00197). There is no change in the number of car parking spaces (9 spaces including at least 1 EV charging point) to be provided.

A Public Path Diversion Order (Ref: ROW/3310143M) was approved on 26th October 2023 for the diversion of the public footpath which runs through the site to allow for the development of the allotments.

The County Highway Authority has advised that it has no objection to the proposed amendments subject to a number of conditions including the provision of additional dropped kerbs and cycle parking. The additional dropped kerbs are considered justified given that since the existing consent was granted, SCC have adopted LTP4 (2022) and SCC's Healthy Streets (2023) policies which place a far greater emphasis on pedestrian accessibility and promoting active travel. The County Highway Authority is satisfied with the proposed number of cycle parking spaces provided but require that e-bike charging is required. The CHA would be satisfied with a timed three-pin socket to serve the 6 Sheffield stands proposed. The reduction in the EV charger capacity is acceptable and will be reflected in the wording of the planning condition.

The risk of crime and anti-social behaviour

The application site is not overlooked by residential properties, and it has been acknowledged that there would be an increased risk of crime and anti-social behaviour due to the site's location. This was considered by the Committee when the previous application was approved and a condition was applied which required the submission and approval of a scheme for the reduction of opportunities for crime including details to be implemented such as locks, lighting and CCTV.

The Guildford Allotments Society has raised concerns that the revised building location materially obstructs the line of sight between plots and the entrance, which was a security feature of the original plan. As discussed elsewhere in this report, the revised location of the building has been necessitated by changes to the site boundary and site constraints. Whilst the concerns of the GAS are acknowledged, it is considered that these can be addressed through the implementation of a detailed scheme for the reduction of opportunities for crime which should be prepared in consultation with the GAS. As in the case of the previous application, an appropriate condition is therefore proposed.

Conclusions

Planning permission was granted for the North Moors Allotment site in October 2020 and the principle of development has therefore been established. The development has commenced under the extant consent and a significant amount of work has been completed. The current application seeks to formalise changes to the site boundary and layout of the allotments and design of associated facilities to enable the allotments to be completed and made available for use.

The proposal does not constitute inappropriate development in the Green Belt and would be a significant benefit to the local community supporting local and national objectives for healthy and active lifestyles.

Whilst the development necessitates the loss of semi-improved grassland, scrub, scattered (young) trees, (young) plantation woodland and tall ruderal habitat, the proposed design offers embedded mitigation, avoiding effects on features of ecological value with further measures to deliver compensation and biodiversity enhancements as set out in the previously approved Landscape and Ecology Management Plan which forms part of the current application. The Surrey Wildlife Trust has recommended that an updated ecological assessment should be undertaken prior to determination of the application. However, since the development of the site has now been substantially implemented under the extant consent and the current application relates only to the final stages of the project and the revisions are not significantly different to the approved scheme, Officers are of the view that it would be expedient for the development to be completed in accordance with the previously approved ecological assessment and Landscape and Ecological Management Plan (LEMP) as proposed by the Applicant. It is noted that site conditions may now be markedly different to the approved ecological assessment as a result of the development and the approved LEMP and there are benefits in ensuring consistency of approach. The approved LEMP provides for future management and monitoring and will secure appropriate ecological benefits on the site. The requirement for a new ecological assessment and revised LEMP at this late stage of the project could lead to delays in the completion of the allotments.

The development would not materially impact on the character of the area, residential amenity or highway safety.

Concerns have been raised by the Guildford Allotments Co-operative Society Ltd (GAS) about the revised layout and location of the allotment facilities and the attendant risk of crime/ anti- social behaviour. The Applicant advises that the proposed layout is the configuration that best delivers on these requirements whilst working within the confines of the existing Site in respect to levels, trees and landscaping which constrain the width and arc of the access track to the east and the rationale for this is accepted. The Applicant has subsequently met with the GAS to discuss the project in further detail, and this has resulted in amendments to the internal layout of the allotment facilities. A condition is also proposed which requires the submission of a written scheme for the reduction of opportunities for crime including details of locks, lighting and CCTV.

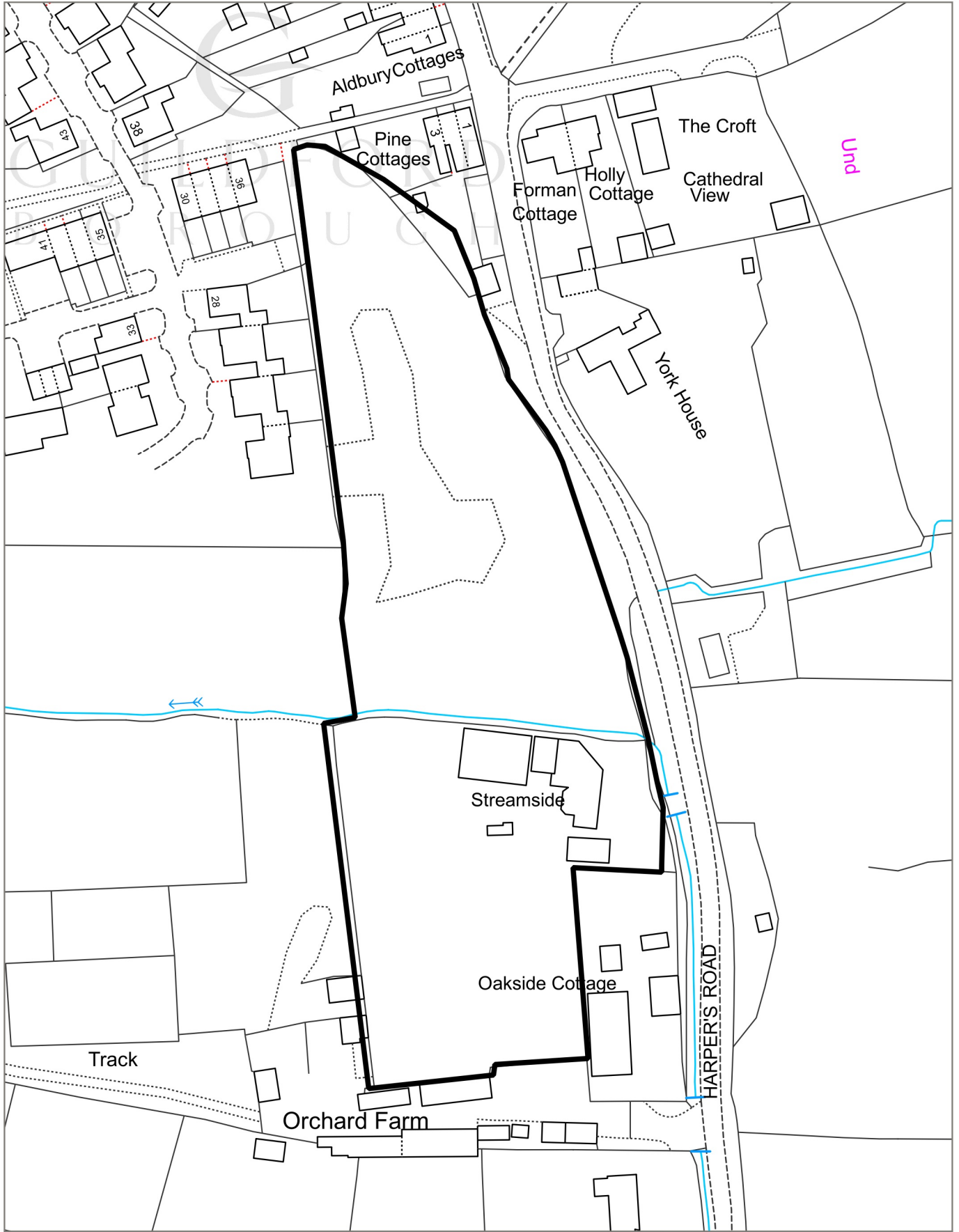
Officers are satisfied that the changes to the proposed development do not deviate from the scheme previously approved by Planning Committee at the meeting on 19th June 2020. The proposals comply with the requirements of National Policy, local plan (including the Local Plan Part 2 adopted in March 2023) For these reasons, and the reasons set out in the body of the report, the proposal is in accordance with the development plan.

Positive and Proactive Working

In determining this application, the local Planning Authority has worked with the Applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the Applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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23/P/01965 - Streamside, Harpers Road, Ash, Guildford



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GUILDFORD
BOROUGH

23/P/01965 – Streamside, Harpers Road, Ash, Guildford, GU12 6DB



App No:	23/P/01965	8 Wk	29/04/2024
		Deadline:	
Appn Type:	Full Application		
Case Officer:	John Busher		
Parish:	Ash	Ward:	Ash Wharf
Agent :	Mr. Laurence Moore	Applicant:	Mr. Andrew Kamm
	Woolf Bond Planning		Bourne Homes Ltd
	The Mitfords		Langborough House
	Basingstoke Road		Beales Lane
	Three Mile Cross		Wrecclesham
	Reading		Farnham, Surrey
	RG7 1AT		GU10 4PY

Location: Streamside, Harpers Road, Ash, Guildford, GU12 6DB
Proposal: Proposed erection of 24 two-storey dwellings with associated parking and landscaping; creation of new vehicular access from Harpers Road.

Executive Summary

Reason for referral

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

Key information

The application site is 1.25ha located on the west site of Harpers Road, in the ward of Ash Wharf. The site is comprised of two main parts divided by a stream which runs east-west through the middle. There is currently no access between the northern and southern part of the site across the stream ditch. There is a densely wooded area to the north of the dividing stream.

The northern part of the site is wedge shaped with trees around the entire perimeter. There is a Tree Preservation Order covering the entire of this portion of the application site. The southern part of the site contains the bungalow Streamside

and is broadly 'L' shaped. The southern and eastern boundary adjoin Oakside Cottage.

The proposal is for the erection of 24 two-storey dwellings with associated parking and landscaping; creation of new vehicular access from Harpers Road. Nine of the proposed dwellings would be affordable. A new access would be created to access the northern portion of the site, and a pedestrian link would be created to connect the northern and southern parcels.

48 car parking spaces are proposed to be allocated to the properties, and a further four spaces would be provided for visitors. One EV charging point would be provided per property. Cycle storage is proposed within the garages or where there is no garage, in a shed at the rear of the garden.

The site is located within allocation A31 of the Local Plan and is now within the urban area of Ash.

Summary of considerations and constraints

This site is allocated under policy A31 for residential development. As such, the principle of the proposal is considered to be acceptable.

The proposed dwellings have been designed to reflect the local vernacular. Appropriate landscaping to ensure a quality development that relates to the surrounding area is an integral requirement will be secured by condition to ensure the development is appropriate to its surrounding context in this regard.

As regards highways, no objections have been raised by the County Highway Authority in terms of the capacity of the road network or the safety of road users. Highway safety and lack of capacity on the existing highway were used to refuse the last application on the site (22/P/00977), the Planning Inspector has allowed the subsequent appeal, finding no harm in this regard.

The details approved by this application will minimise the harm to the designated heritage assets in the area and ensures that the development itself will cause less than substantial harm - at the lower end of the scale. It has been concluded that this level of harm is outweighed by the public benefits of the proposal.

While some harm has been found, namely the impact on the amenity of Oakside Cottage, the harm to heritage assets and the technical non-compliance with the Council's affordable dwelling provision (the applicant is providing 39.1% affordable housing, rather than the required 40%) the benefits of this proposal are considered to clearly and demonstrably outweigh this harm.

RECOMMENDATION:

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

- education contribution;
- securing private SANG which would be suitable to mitigate the development;
- SAMM (Strategic Access Management and Monitoring) contribution;
- free and unfettered access to the development to all;
- provision and subsequent retention of the pedestrian and cycle access points before first occupation of the units;
- highways contribution;
- Ash Road bridge contribution; and
- the provision of nine affordable dwellings (two First Homes, five affordable rent and two intermediate units).

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

(ii) That upon completion of the above, the application be determined by the Joint Executive Head of Planning Development. The recommendation is to approve planning permission, subject to conditions.

(iii) If, after 12 months has elapsed since the resolution of the Planning Committee to grant planning permission, the s.106 agreement is not completed then the application may be refused on the basis that the necessary mitigations to offset the impact of the development cannot be secured.

Conditions

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:

BLOC D; LOC1C; PL-01M; PL-02B; PL-03B; PL-20; PL-23A; PL-26A; PL-28A; PL-29B; PL-31A; PL-40 to PL-53 (inclusive and all revision C); PL-54D; PL55; PL-56A and PL-60B.

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 (excluding operations including site preparation, demolition, excavation and enabling works) and notwithstanding the approved drawings, a written materials schedule with details of the source / manufacturer, colour and finish, (OR samples on request), of all external facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The schedule must include the details of embodied carbon / energy (environmental credentials) of all external materials. The development shall only be carried out using the approved details.

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

4. None of the dwellings hereby approved shall be occupied until the Ash Road bridge (as approved through planning application 19/P/01460) has been completed and is open to public traffic.

Reason: To ensure the delivery of essential infrastructure required to enable the development in accordance with Policy ID1(1-5) of the Guildford Local Plan.

5. No development above DPC level (excluding any demolition and site clearance works) shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: Grampian condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area in accordance the NPPF and Policy D5 and P6 of the Guildford Local Plan.

6. The dwellings hereby approved shall not be occupied until the proposed vehicular accesses to Harpers Road hereby approved have been constructed and provided with visibility zones in accordance with the approved drawing 231684/TS/04, 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.

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 drawing PL-01 Rev M, 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.

8. The development hereby approved shall not be first occupied unless and until the proposed pedestrian / cyclist connection routes have been provided within the site and to its boundaries in accordance with the approved drawing PL-01 Rev M. Thereafter the routes shall remain permanently open for all users, at all times.

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

9. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of charging points with timers 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. Thereafter the approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones

- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) on-site turning for construction vehicles

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

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

11. No development above damp-proof course level (excluding any demolition and site clearance works) shall take place until a scheme, including a timetable, for the provision of pedestrian and cycle links from the site to the surrounding area has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and shall be retained for the lifetime of the development.

Reason: To encourage travel by means other than private motor vehicles and to ensure that the development has adequate cycle and pedestrian links to the surrounding developments and the wider area.

12. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels during the

seasonal high.

b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

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 in writing by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow

restriction devices and outfalls), and confirm any defects have been rectified.

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

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the agreed details.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

15. No development shall take place until a Site Waste Management Plan and Demolition Strategy of the existing building and the removal of its foundations and hard standing has been submitted to and approved in writing by the Local Planning Authority. All of the resultant demolition materials and debris that are not to be reused in the construction of the development hereby permitted shall be removed from the site in accordance with the agreed strategy. The strategy will address, inter alia:

- a) programme of works (to address habitat requirements).
- b) disposal of waste off-site and receptor sites.
- c) programme for the installation of bat and bird box (to enable relocation)

The development shall only take place in accordance with the agreed details.

Reason: To ensure that any waste generated by the site is used / disposed of in a sustainable manner.

16. The approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared by Merewood Arboricultural

Consultancy Services, dated 05/05/2022, must be adhered to in full. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed / implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site. The proposals within the Woodland Management document must be implemented prior to occupation and shall be retained to the satisfaction of the Local Planning Authority for the duration of the development.

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

17. The development hereby approved shall only be carried out in full accordance with the mitigation measures set out in the Biodiversity Management and Enhancement Strategy and recommendations within the Ecological Impact Assessment (EPR, January 2024), the River Condition Assessment Note (EPR, January 2024) and drawing 6502-PL-56 Rev A – Triple Garages – Elevations and Floor Plans.

Reason: To ensure that the ecology and biodiversity value of the site can be protected as part of the development.

18. Before the commencement of the development hereby approved, a Badger Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include, but is not limited to, the following information:

- an updated badger field sign and sett survey by a suitably qualified and experienced ecologist.
- a minimum of 21 days camera monitoring at any badger sett, or potential badger sett recorded, to assess the type and activity at the sett by a suitably qualified and experienced ecologist.
- an update badger sett and habitat impact assessment and mitigation strategy. The habitat impact assessment should

include an assessment on foraging and commuting habitat as badger has been recorded on-site.

- a timetable for the implementation of the required works / mitigation proposed.

The development shall only be carried out in full accordance with the agreed details.

Reason: To ensure that the ecology and biodiversity value of the site can be protected as part of the development.

19. No development shall commence, including any works of demolition, until a Bat Method Statement and Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The approved details shall be retained for the lifetime of the development.

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

20. Before the development hereby approved is first occupied, a Lighting Scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall set out how lighting on the site has been designed to minimise any potential impacts on bat foraging and commuting and if appropriate, shall include a timetable for the phased implementation of the scheme. The approved scheme shall be implemented in full before the first occupation of the development and retained in perpetuity.

Reason: In order to protect bats.

21. Before the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works) is commenced, a Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include,

but not be limited to the following:

- description and evaluation of features to be managed and created including measures to compensate for loss of proposed tree and hedge removal;
- measures to ensure appropriate avoidance and mitigation measures for impacts to offsite protected habitats;
- measures to protect important aquatic habitat;
- numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;
- aims and objectives of management;
- appropriate management options to achieve aims and objectives;
- prescriptions for management actions;
- preparation of a work schedule for securing biodiversity enhancements in perpetuity;
- details of the body or organisation responsible for implementation of the CEMP;
- ongoing monitoring and remedial measures;
- details of legal / funding mechanisms; and
- if appropriate, a timetable for the phased implementation of the scheme.

The development shall only be carried out in full accordance with the agreed details.

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

22. 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.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, dormer windows, rooflights or other form of openings above ground floor level (other than those which may be shown on the approved plans), shall be inserted in the eastern (side) elevation of plot 14, the southern (side) elevation of plot 2 or the eastern (side) elevation of plot 16. In addition, the first-floor windows in the western (side) elevation of plot 23 and the western (side) elevation of plot 24 shall be fitted in full with obscure glazing before the occupation of either of these properties. The obscure glazing shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity and privacy of Oakside Cottage and the dwellings on Leyscroftes Road.

24. No occupation of the dwellings hereby approved shall take place until details including plans, have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each building where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.

Reason: To ensure that the new development in Guildford is provided with high quality broadband services and digital connectivity.

25. No development shall take place until full details, of both hard and

soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

26. The areas shown for hard and soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

Reason: In the interests of the visual amenities of the locality.

27. The development hereby approved shall only be carried out in full accordance with the Refuse and Recycling Collection Statement (dated October 2023, prepared by Bourne Homes). The refuse and recycling provisions set out in the Statement shall be installed and implemented before the occupation of the approved dwellings.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

28. Prior to the commencement of the development hereby approved, information shall be submitted to and approved in writing by the Local Planning Authority which demonstrates how each of the approved dwellings have achieved a 'fabric first' approach in line with the energy hierarchy. The approved details shall be implemented prior to the first occupation of each of the dwellings 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 and policy

D2 and D14.

Informatives:

1. If you need any advice regarding Building Regulations, please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk.
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre-application advice service 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 formal pre-application advice was not sought prior to submission. Additional information has been required to overcome concerns, these were sought and provided by the applicant.

3. Network Rail Informative:

The applicant should be aware of the 'Asset Protection Informatives for works in close proximity to Network Rail's infrastructure' comments which were received from Network Rail on 19 December 2023.

4. LLFA Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards.

5. County Highway Authority Informatives:

1. 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>

2. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the Council as part of its licence application fee compensation for its loss based upon 100% of the tree's CAVAT valuation to compensate for the loss of highway amenity.

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

4. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any

works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

6. 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) 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.

7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing

technology is in place if required. 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.

8. The developer is advised that Public Footpath Number 356 runs to the north of 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.

9. 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.

6. Thames Water Informatives:

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require

further information please refer to our website.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

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

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

7. Notwithstanding the approved drawings, the materiality of plots 18, 19, 20 and 21 is of concern. The use of the following materials is unacceptable given the sensitivity of the surrounding context.
 - grey clay roof tiles – the prevailing roofing material within the immediate area is red clay. Whilst there are some instances of slate covering nearby, these occurrences are atypical contextually.
 - cedar boarding accent material – the use of cedar boarding

domestically is wholly out of context. Tile hanging is more vernacular and thus more appropriate should an accent material be desired.

- use of smooth red brick (quoin detailing) – the artificial appearance and texture to this material makes is of significant concern.

Through the discharge of condition three, more suitable external materials will need to be proposed.

8. Construction noise is primarily an environmental health issue in terms of Sections 60/61 Control of Pollution Act 1974. It is recommended that the developers and their contractors submit prior consent applications at each phase under Section 61. This will not only cover hours of work, but also noise and vibration levels throughout any part of the construction including works on the highway.

Officer's Report

Site description

The application site is 1.25ha located on the west site of Harpers Road, in the ward of Ash Wharf. Harpers Road has the character of a rural lane with a narrow width (4.1m - 4.5m) and no pavement, and is located to the east of Ash, within the Urban Area. The boundary along Harpers Road is tree lined and bordered by a ditch. To the east of Harpers Road is the grade II listed property York House which is a 16th century timber framed building with brick cladding. The application site is the eastern part of the larger A31 site allocation, with the remainder of the A31 allocation for approximately 1,750 homes forming the western boundary.

The site is comprised of two main parts divided by a stream which runs east-west through the middle. There is currently no access between the northern and southern part of the site across the stream ditch. There is a densely wooded area to the north of the dividing stream.

The northern part of the site is wedge shaped with trees around the entire perimeter. There is a Tree Preservation Order covering the entire of this portion of the application site. The western boundary of this site abut residential properties and their gardens approved under planning application 16/P/01679 some of which are still under construction. There is another residential property on the north eastern boundary of the site. There is no existing vehicular access to this portion of

the site, and access by foot is through the gaps in the trees and hedges from Harpers Road. The northern part of the application site slopes significantly from south to north.

The southern part of the site contains the bungalow Streamside and is broadly 'L' shaped. The southern and eastern boundary adjoin Oakside Cottage. Orchard Farm and Harpers House are adjacent to the site along the southern boundary. Along the western boundary planning permission has been granted for 51 dwellings with associated open space, landscaping and parking (22/P/01083). The access to the southern portion of the site is over a concrete bridge across the ditch from Harpers Road.

There are a range of commercial, social, and community services accessible from the application site in Ash. Ash Station is c.575m away from the site, accessible on foot through Wildflower Meadows and the Public Right of Way. There are several bus stops along Guildford Road.

The Environment Agency has identified the site as Flood Zone 1 (low probability of flooding). The application site is within the 400m - 5km buffer to the Thames Basin Heath SPA.

Proposal

Proposed erection of 24 two-storey dwellings with associated parking and landscaping; creation of new vehicular access from Harpers Road.

The proposal is for the demolition of the existing Streamside bungalow and its replacement with 24 new homes, ten of which would be affordable. The proposed dwellings would have a material pallet of brick and hung tiles. A new access would be created to access the northern portion of the site, and a pedestrian link would be created to connect the northern and southern parts of the site.

The northern part of the site would retain many of the existing trees, especially within the densely wooded area directly to the north of the stream. A new road would be created in the shape of a backwards 'C' with the new access connecting to the middle of it. Seven houses would be in the centre of the 'C' shape, and one would be at the top in the northern wedge part of the site. The houses would have irregularly shaped gardens resulting from arranging the houses around the curved

road. The proposed dwellings would mostly have separate single storey garages and would be two storey detached and semi-detached houses. In the northern half the site, the following is proposed:

- 3 x 4 bedroom houses;
- 4 x 3 bedroom houses;
- 1 x 2 bedroom house.

The southern part of the site is divided in a more regular way, with a road following the L shape of the site, and 16 dwellings arranged on either side of it. The proposed gardens would therefore be rectilinear. Only some of the proposed dwellings on this portion of the site have separate garages, with the majority being provided with open parking spaces. Apart from three proposed three-bedroom houses, the proposed dwellings would be semi-detached two storey houses and flats. All nine of the proposed affordable homes are proposed in this portion of the site. In the southern half of the site, the following sizes are proposed:

- 11 x 3 bedroom houses;
- 3 x 2 bedroom houses;
- 2 x 1 bedroom flats.

48 vehicle spaces are proposed to be allocated to the properties, and a further four spaces would be provided for visitors. One EV charging point would be provided per property. Cycle storage is proposed within the garages or where there is no garage, in a shed at the rear of the garden.

Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
22/P/00977	Outline application for the demolition of existing house and outbuildings and erection of 22 new dwellings with associated parking and creation of new vehicular access (all matters reserved except, access, layout and scale)	Refuse* 26/06/2023	Appeal allowed 08/03/24**
17/P/02616	Outline application for the	Refuse	DISM

	erection of 24 new houses to consider access, layout and scale.	05/11/2018	22/08/2019
15/P/01887	Proposed erection of 7 new houses with associated parking and enlargement of the existing vehicular access	Refuse	N/A
		14/12/2015	

* While the subsequent appeal has now been allowed, for completeness, the reasons for refusal for application 22/P/00977 were:

1) Due to the nature and characteristics of Harpers Road, which is a narrow, rural road, the increased vehicle movements would create a dangerous environment for pedestrians and cyclists. The additional movements along Harpers Road created by the application would exacerbate and worsen the existing highway safety concerns. The proposal would therefore result in an unacceptable impact on highway safety, contrary to Policies ID3 and A31(10) of the Guildford Borough Local Plan: strategy and sites 2015 – 2034, the Strategic Development Framework SPD (2020), and NPPF paragraphs 110 and 111.

2) The proposed development would result in a material loss of privacy and overlooking to the occupants of Oakside Cottage which is located to the east of the site. The proposal would therefore result in an unacceptable impact on the amenity of this property, contrary to Policy D5(1a, b)(2b) of the Guildford Borough Local Plan: Development Management Policies (2023).

3) In the absence of a completed planning obligation the application fails to mitigate its impact on infrastructure provision. This includes the following:

- the delivery of 8 (eight) affordable housing dwellings;
- provision of SAMM contributions;
- provision of SANG land to mitigate the impact of the development on the Thames Basin Heaths Special Protection Area;
- contribution towards early years, primary and secondary education projects;
- contribution towards open space provision infrastructure in the area;
- contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;

- contribution towards Ash Road bridge; and,
- provision that the Applicant, and successor in Title, gives free and unfettered access to the estate roads, pathways, and cycleways.

The proposal is therefore contrary to Policies P5, H2, ID1, ID3 and A31 of the Guildford Borough Local Plan: strategy and sites 2015-2034, saved Policy NRM6 of the South-East Plan (2009), Policy ID6 of the Guildford Borough Local Plan: Development Management Policies 2023, the Council's Planning Contributions SPD (2017), and the guidance contained within the NPPF paragraphs 55-57.

4) The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and 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). The application would be contrary to the objectives of Policy P5 of the Guildford Borough Local Plan: strategy and sites 2015-2034, the Thames Basin Heaths Avoidance Strategy SPD, and saved Policy NRM6 of the South East Plan (2009). For the same reasons, the application would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations (2017) as amended, and as the application does not meet the requirements of Regulation 64, consequently the Local Planning Authority must refuse to grant planning permission.

[Officer Note: Some of the NPPF paragraph numbers referred to in the above reasons for refusal may now be out of date following the publication of the new NPPF].

** The appeal decision for application 22/P/00977 is attached to this report as an appendix.

Consultations

A summary of the consultation responses is contained below. This is not a verbatim report and full copies of all representations received are available on the electronic planning file, which is available to view online.

Statutory consultees

County Highways Authority, Surrey County Council: No objections raised subject to conditions and a legal agreement.

Lead Local Flood Authority, Surrey County Council: No objections raised subject to conditions.

Thames Water: No objections raised.

Environment Agency (EA): The EA have responded that this planning application is for development that they do not wish to be consulted on.

Natural England: As long as the applicant is complying with the requirements of Guildford's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)), Natural England has no objection to this application. Natural England note that there is an area of deciduous woodland present on the development site, which is a Priority Habitat. Part of the development proposals include tree removal, including within the deciduous woodland area. Natural England would encourage additional tree planting to compensate for this loss.

Network Rail: No objections raised.

County Archaeologist, Surrey County Council: No objections raised, subject to condition.

Internal consultees

Environmental Health Officer: No objections raised.

Arboricultural Officer: No objections subject to standard conditions.

Operational Services (waste and recycling): No comments received. However, it is noted that no objections were raised to application 22/P/00977. The submitted waste and recycling strategy will be controlled by condition.

Non-statutory consultees

Surrey Wildlife Trust: Following the receipt of additional information, no objections are raised.

Parish Council

Ash Parish Council: Raise an objection for the following reasons:

- out of character with the area.
- not in keeping with the immediate street scene.
- concern over loss of trees and the maintenance of those that are left.
- overdevelopment.
- concern over the effect on wildlife, especially endangered species.
- concern over access road being too narrow and without sufficient drainage.
- concern over effect on local amenities schools, medical facilities.
- within the SPA buffer zone [Officer Note: The site is located within the 400m to 5km buffer of the SPA where impacts can be mitigated in line with the Council's Avoidance Strategy].
- risk of flooding concern about possible effectiveness of proposed SuDS scheme.
- site not easily accessible except by car
- reliance on access to PRoW 356 which is in ownership of SCC, and which has no lighting, is narrow, unmade up. Concern of possible safety issues.
- possible overlooking of Oakside Cottage and loss of privacy.
- concern for the impact of construction vehicles on Harpers Road
- concern for the impact of additional traffic entering / exiting Harpers Road at junction with Guildford Road

Third party comments:

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

- access is unsuitable, especially for large vehicles;
- road is not fit for a development of this size;
- Harpers Road unsuitable for entry and exit to development;
- houses are not in keeping with local area;
- green space lost;
- impact on wildlife;
- overdevelopment of a small site / overly dense;

- refuse collection concerns on narrow road;
- impact on traffic and highway safety;
- dangerous road;
- loss of character to area;
- impact on neighbours' privacy and light;
- the site provides a buffer between the other developments and the green belt;
- the road often floods;
- the sewerage system can't support new properties [Officer Note: No objections have been raised by Thames Water];
- construction noise;
- light pollution;
- impact on existing drainage infrastructure;
- optimistic to think that the bridge will alleviate traffic use;
- large vehicles will cause huge tailbacks;
- car headlights will shine directly into the property opposite every time a vehicle leaves the development;
- overlooking to Oakside Cottage;
- block light to Oakside Cottage;
- overlooking and loss of privacy to Leyscroftes Road properties;
- no consideration to oversubscribed local services such as schools and doctors' surgeries;
- safety of children at playground / cyclists / horse riders / pedestrians and runners;
- loss of trees;
- poor transition from rural to urban area;
- overhead lines should be buried;
- future residents will have to go everywhere by car;
- very similar to refused 2017 scheme;
- existing home should not be removed;
- endanger bat population; and
- connecting to local sewer would involve digging up local road causing disruption to local community.

One letter of support has been received outlining the following positive comments:

- density is lower than adjacent developments;
- elevational treatment is appropriate;
- design is in keeping with the local area; and
- the proposal retains a number of mature trees.

Planning policies

National Planning Policy Framework (NPPF):

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision making.
- Chapter 5: Delivering a sufficient supply of homes.
- Chapter 8: Promoting healthy and sustainable communities.
- Chapter 9: Promoting sustainable transport.
- Chapter 12: Achieving well-designed places.
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

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

The Guildford Borough Local Plan: Strategy and Sites (LPSS) was adopted by the Council on 25 April 2019. This now forms part of the statutory development plan, and the policies are given full weight.

- Policy S1: Presumption in favour of sustainable development
- Policy H1: Homes for all
- Policy H2: Affordable homes
- Policy P5: Thames Basin Heaths Special Protection Area
- Policy D1: Place shaping
- Policy D2: Climate change, sustainable design, construction and energy
- Policy ID3: Sustainable transport for new developments
- Policy ID4: Green and blue infrastructure

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

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 H6: Review Mechanisms
- Policy H7: First Homes
- Policy P6: Protecting Important Habitats and Species
- Policy P7: Biodiversity in New Developments
- Policy P10: Water Quality, waterbodies and Riparian Corridors
- 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 D15: Climate Change Adaption
- Policy D16: Carbon Emissions from Buildings
- Policy D18: Designated Heritage Assets
- Policy D19: Listed Buildings
- Policy ID6: Open Space in New Developments
- Policy ID7: Community Facilities
- Policy ID9: Achieving a Comprehensive Guildford Borough Cycle Network
- Policy ID10: Parking Standards for New Development

Supplementary planning documents

- Climate Change, Sustainable Design, Construction and Energy SPD [September 2020];
- Planning Contributions SPD [September 2017] (including yearly tariff updates and Open Space tariffs);
- Parking Standards for New Development SPD [March 2023];
- Thames Basin Heaths SPA Avoidance Strategy SPD [July 2017];
- Residential Design Guide [July 2004]; and
- Strategic Development Framework SPD [July 2020].

Planning considerations

The main planning considerations in this case are:

- the principle of development;
- housing need and supply;
- affordable housing;
- the impact on neighbouring amenity;
- amenity of future occupants / living environment;
- design and the impact on the character area;
- sustainable design and construction;
- the impact on heritage assets;
- heritage harm vs. public benefits balance
- highway / parking considerations;
- flooding and surface water drainage;
- ecology and biodiversity;

- impact on trees;
- the impact on the Thames Basin Heaths Special Protection Area; and
- s.106 considerations.

The principle of development

The LPSS has allocated this site under policy A31, which is an amalgamation of separate sites around Ash and Tongham. In total the allocation is expected to deliver approximately 1,750 homes. Policy A31 also sets out that development of these sites should incorporate the following requirements (inter alia):

- appropriate financial contributions to enable expansion of Ash Manor Secondary School by an additional 1FE (form entry)
- appropriate financial contributions towards expansion of existing GP provision in the area or land and a new building for a new GPs surgery
- sensitive design at site boundaries that has regard to the transition from urban to rural.
- sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor. Views to and from this heritage asset, including their approach from White Lane, must be protected.
- land and provision of a new road bridge which will form part of the A323 Guildford Road, with an associated footbridge, to enable the closure of the level crossing on the A323 Guildford Road, adjacent to Ash railway station.
- proposed road layout or layouts to provide connections between both the individual development sites within this site allocation and between Ash Lodge Drive and Foreman Road, providing a through road connection between Ash Lodge Drive and Foreman Road, in order to maximise accessibility and to help alleviate congestion on the A323 corridor.

As the site is located within the urban area of Ash and planning permission exists on the site for the erection of 22 dwellings, the principle of 24 dwellings on this site is acceptable, subject to general compliance with the above requirements of policy A31 and relevant local and national policies. These will be considered further below.

Housing need and supply

Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount

and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. Paragraph 63 goes on to note that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes'.

Paragraph 76 of the NPPF states that 'Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met: a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded'. In this regard it is noted that the Guilford Borough Local Plan: Strategy and Sites (LPSS) and Development Management Policies (LPDMP) were adopted by the Council in 2019 and 2023, respectively. Both are therefore less than five years old and the LPSS identified at least a five-year supply of sites.

As the site forms part of the allocation under policy A31, the proposal will make a contribution to meeting the housing requirement which is identified in the Local Plan.

Dwelling mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

Table 1				
Overall Mix	Housing	No.	SHMA % Req	Provided %
1 bed		2	20	8.3
2 bed		4	30	16.7
3 bed		15	35	62.5
4 bed		3	15	12.5
Total		24		

It can be seen from the table above that the dwellings being provided by the development are skewed towards mid-sized three-bedroom units. Proportionally, only a small number of the units would be of a one- and two-bedroom size.

While the proposal does not comply with the SHMA guidelines, it is considered that given its characteristics, this site is better suited to family housing, rather than smaller one- and two-bedroom units. Furthermore, it should be noted that the Inspector’s Final Report (paragraph 48) on the LPSS examination stated *'as regards housing mix, the policy is not prescriptive but seeks a mix of tenure, types and sizes of dwelling, which the text indicates will be guided by the strategic housing market assessment. The policy also seeks an appropriate amount of accessible and adaptable dwellings and wheelchair user dwellings.* While the proposed mix varies from the SHMA guidance, it is noted that the SHMA mix is 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 identified mix in the SHMA and this is reflected in the Inspector's comments noted above. The flexibility set out in the policy must be used to achieve an acceptable mix across the borough.

The proposal is not likely to cause any material harm to the Council's ability to deliver a compliant SHMA mix on a wider basis and overall, the proposed mix is deemed to be acceptable.

Affordable housing

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable. Policy H2 also states that 'the tenure and number of bedrooms of the affordable homes provided on each qualifying site must contribute, to the Council's satisfaction, towards meeting the mix of affordable housing needs identified in the Strategic Housing Market Assessment 2015, or subsequent affordable housing needs

evidence'.

Policy H7 of the LPDMP also seeks 'a minimum of 25% of affordable homes provided either on-site or off-site or as a financial contribution in lieu of on-site provision in line with the Council's adopted affordable housing requirements are expected to be First Homes'.

The proposal is for 23 (net) dwellings which generates a requirement for 9.2 affordable units. Regarding the rounding of affordable units, policy H2 of LPSS states: 'in calculating the number of affordable homes to be provided on a site, fractions of homes will sometimes be required. In order to avoid requirements for fractions of homes we will therefore round up any part requirement of an affordable housing dwelling in line with common convention at 0.5 of a home, and down at 0.49 or less'. As such, adopting this approach would mean that the 9.2 dwellings required should be rounded down to nine. However, this must be on the assumption that the rounding down would not lead to a situation with the 40% requirement of policy H2 is breached.

In this case, nine affordable dwellings would amount to 39.1% and this is technically below the 40% required by policy H2.

The applicant has only offered to provide nine affordable dwellings, not for viability reasons but because, in their opinion, the policy specifically allows for rounding down. However, the Council's response is that this argument should not apply in situations where rounding down would bring the proposal in conflict with the policy.

Notwithstanding the applicant's position, it is considered that the proposal is technically in breach of policy H2 of the LPSS. However, it is acknowledged that the non-compliance is only 0.9 percentage points. This non-compliance and the weight to be attributed to it will be discussed further in the balance. It is acknowledged that in the appeal scheme permission has already been granted for a net addition of 21 dwellings with eight affordable units where the Policy generates a need for 8.4 units. Here the Inspector accepted the rounding down position. The Inspector concluded that the contribution towards identified needs for affordable housing is a notable benefit of the proposal which carries significant weight. The appeal decision and permission has to be given significant weight in the determination of this application.

In terms of tenure, two units, 25% are to be First Homes, five are to be affordable

rental properties and two are to be intermediate. These can be secured through the legal agreement. This tenure mix would be compliant with the Council's adopted policy.

The proposed affordable units are all located on the southern half of the site. The affordable dwellings would be interspersed amongst the market dwellings.

The impact on neighbouring amenity

Policy D5 of the LPDMP states that 'development proposals are required to avoid having an unacceptable impact on the living environment of existing residential properties or resulting in unacceptable living conditions for new residential properties, in terms of:

- a) privacy and overlooking
- b) visual dominance and overbearing effects of a development
- c) access to sunlight and daylight
- d) artificial lighting
- e) noise and vibration
- f) odour, fumes and dust

It must firstly be noted that this site is allocated for housing development as part of the LPSS. As such, while the amenity of neighbouring properties must be protected, because of the allocation it is inevitable that there will be significant changes to the area in the immediate future, through this and other applications which have already been approved.

The property most likely to be impacted by the proposal is Oakside Cottage which is situated immediately to the south-east of the site. Oakside Cottage is a modest sized chalet bungalow which is located in close proximity to the eastern boundary of the site which is formed of a timber panel fence and some tree planting. The western elevation of Oakside Cottage faces into the application site. It includes a number of ground floor windows which serve a variety of rooms including a living room, bedroom and bathroom. It is noted that light to these rooms would already be compromised by the existing boundary treatment.

The proposal would see a two-storey semi-detached property being built to the west of Oakside Cottage. The new dwelling would be separated from the common

boundary between the two properties by approximately 6.8 metres and the distance between the facing elevations would be approximately 8.4 metres. The proposal would also see a property at the end of Oakside Cottage's rear garden. The side elevation of the proposed dwelling would face Oakside Cottage.

The most recent appeal decision from March 2024 is relevant when considering the impacts of the proposal on Oakside Cottage. While the proposed layout of the scheme is slightly different to the appeal proposal, the impacts would generally be the same or at least very similar.

In terms of privacy, the proposed dwelling on plot 14 would have no windows in its side elevation facing Oakside Cottage. The Local Planning Authority could prohibit the installation of first floor windows in the future (without the benefit of planning permission) by condition. As such, there would be no harmful impact in terms of overlooking or privacy loss from this element of the proposal.

The proposed dwelling on plot 14 would have one first floor window in its front and rear elevations, both of which would serve bedrooms. As regards the relationship between the windows in the front and rear elevations of plot 14 and Oakside Cottage, the Inspector stated:

'Windows to the front and rear of the dwelling on plot 13 [plot 13 is now labelled plot 14 in this new application] could be expected to serve habitable rooms. Those to the rear may have views of the rear part of the garden to Oakside Cottage, but this is not an unusual relationship and the space immediately to the rear of the dwelling would not be visible. I find as a result that any overlooking in this direction would not be harmful. The front of plot 13 would be set back relative to four windows to the side of Oakside Cottage. The northernmost of these windows serve a bathroom and a utility room/toilet and include obscure glazing or opaque film. Potential views towards these windows from the front of plot 13 would also be at a very tight angle such that I am satisfied there would not be unacceptable overlooking or loss of privacy to these rooms. The two other windows to the side of Oakside Cottage are clear-glazed and serve a bedroom and a family room. Views towards these windows could be possible from the front of plot 13, adversely affecting privacy for the rooms served. However, while the dwelling would sit around 9.1m from the side of Oakside Cottage, the distance to the clear-glazed side windows would be slightly greater. Views would also be at an oblique angle so that the windows would not fall within the main field of direct outlook. Noting the separation distance, relationship and view

angle, only a small part of the rooms closest to the window would be likely to be visible and I consider that there would not be meaningful views of the whole of the interior of the rooms. Given these factors, I consider that effects on privacy would be modest and would not significantly undermine living conditions for occupiers of the rooms overall...For these reasons, I find that there would be loss of privacy for occupiers of Oakside Cottage causing harm to their living conditions contrary to policy D5 of the LPDMP insofar as it seeks to avoid unacceptable impacts on living environments in terms of privacy and overlooking. However, the effect would be restricted to two rooms within the dwelling, with privacy to the rest of the property not significantly affected. Moreover, the loss of privacy for the affected rooms would be modest and I conclude that the degree of harm caused to the overall living conditions for occupiers of Oakside Cottage would be very limited'.

Although the dwelling on plot 14 is in a slightly different position (placed further to the southern boundary of the site and slightly closer to the eastern boundary shared with Oakside Cottage) to the appeal proposal, the scheme currently under consideration would result in similar impacts to those observed by the Inspector as set out above. As such, the proposal would result in harm to the amenity of Oakside Cottage in terms of overlooking and loss of privacy and therefore, the development would be contrary to policy D5 of the LPDMP. This harm will be factored into the balance below.

It is also noted that scheme layout at the south-western corner of the new access from Harpers Road is different to the appeal proposal. Instead of one detached property, the current scheme has a pair of semi-detached dwellings in this location. Plot 16 is the one closest to Oakside Cottage and it would contain one first floor window in its side elevation and a bedroom window in its rear elevation. The relationship to Oakside Cottage would be very similar to plot 14, but in this instance the overlooking would be of the rear garden. While the position of the dwelling on plot 16 would result in some loss of privacy to the garden of Oakside Cottage, given the distance of separation the harm would also be limited.

As regard the dwelling on plot two, this has been orientated and positioned in a manner which would not result in any harmful amenity impacts on Oakside Cottage. It would be located off the rear boundary and its side elevation would contain no first-floor windows. The windows in the front and rear elevations would not give rise to any harmful level of overlooking or loss of privacy.

As regards other properties in the area it is noted that the northern half of the site backs into the new Wildflower Meadows development site. Plot 23 would be located close to the boundary with two dwellings on Leyscroftes Road. Plot 23 would have one first floor window in its side elevation serving a stair / landing. With obscure glazing there would be no material harm caused to the amenity of the properties on Leyscroftes Road and the relationship would not be significantly different to other areas within the allocation / urban area. Plot 24 would also have a first-floor window in its side elevation facing other properties along Leyscroftes Road. However, this window would be small and serving an en-suite. It would not result in any loss of privacy to the neighbouring properties.

The proposal would not lead to any harm to the amenity other residential properties in the immediate area, including those on the opposite side of Harpers Road.

The proposal is therefore deemed to be contrary to policy D5 of the LPDMP in this regard. This harm will be considered in the balance below.

Amenity of future occupants / living environment

It is noted that policy ID6 of the LPDMP splits the open space required as part of developments into categories which are amenity greenspace, allotments, playspace and parks / recreation grounds. The layout shows the development will deliver its own on-site amenity greenspace, however, in accordance with policy ID6 a financial contribution is required in lieu of the other open space requirements. Based on the Council's tariffs, the total open space contribution required would be £144,848.69. The on-site open space, which would include the restored woodland between the northern and southern half of the site would provide a high-quality facility for future residents.

All of the proposed dwellings would meet with the Nationally Described Space Standards (NDSS). In addition, each dwelling, including both apartments, would have their own area of private amenity space in the form of secure rear gardens. These are of a suitable size for the dwellings proposed.

The proposal is considered to be acceptable in this regard.

Design and the impact on the character area

As described above, Policy A31 states that sensitive design at site boundaries that has regard to the transition from urban to rural is a requirement of the site allocation.

LPSS Policy D1 states that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. However, given the size, function and proposed density of the strategic allocations it may not always be desirable to reflect locally distinct patterns of development. These sites must create their own identity to ensure cohesive and vibrant neighbourhoods.

All new development will be designed to ensure it connects appropriately to existing street patterns and creates safe and accessible spaces. All new development will be designed to maximise the opportunity for and linkages between green spaces and public places and include high quality landscaping that reflects the local distinctive character.

Further, in order to avoid piecemeal development and to protect and enhance the existing character of Ash and Tongham and Ash Green, proposals within the area will have particular regard to;

- the relationship and connectivity with the existing urban area
- the relationship and connectivity between allocated sites in different ownerships
- the existing character of Ash and Tongham and Ash Green
- the future urban edge and its relationship with the surrounding countryside at the allocated site's boundaries

Policy D4 of the LPDMP further emphasises that development proposals are required to reflect appropriate residential densities that are demonstrated to result from a design-led approach taking into account factors including the context and local character of the area.

The application site is on the Eastern boundary of site allocation A31, and therefore as a proposal it must bridge the emerging context to the west and south, the existing built-up context to the North, and the Green Belt to the east. Therefore, the

requirement of Policy A31 to have regard to the transition between urban to rural is particularly relevant to this site.

While the proposal would have pedestrian links to the development sites to the west and south, it would be accessed off of Harpers Lane and so would present its 'front' to its rural context and its 'back' to the more urban emerging context. However, the proposal would mitigate this by presenting a green buffer of planting and trees to the entire shared boundary with Harpers Lane, excepting the two vehicular access points. This would soften the impact of the proposed development on the more rural character of Harpers Lane, the cottages along it and the Green Belt beyond. In addition, the proposed use of limited street lighting and the avoidance of street lighting columns is considerate of the urban edge and its relationship to the countryside.

The proposal would comprise of two cul-de-sacs one with eight two-storey detached and semi-detached houses and the other with 16 two-storey detached and semi-detached houses and flats. The dwellings would be arranged in a pattern of development typical to the area as they would face onto the street with small front gardens, larger rear gardens and drives or garages allowing for off street parking. The resultant layout would be one that is easy to navigate and should provide natural security through layout and design with well enclosed and overlooked streets, as required by Policy D1.

Given that the proposed dwellings are two storeys, and detached or semi-detached, the density of the proposed development, at 19.2dw/Ha, is considered appropriate within the semi-rural context of the area. The green areas within the proposal, including the central tree belt, further give the proposal a semi-rural character and help with the transition from urban development and countryside.

Guildford Borough Council's Urban Design Officer has been consulted on the proposals and has commented as follows: 'The proposed masterplan layout responds to the existing and emerging context of the site. Along Harper's Road, lower density homes would be set back from the street behind native trees and shrubs. Adjacent to the wider allocation and existing homes, development would form perimeter blocks with private rear gardens and street frontages. The layout proposals would reflect the requirements of Local Plan Policies D1, D4 and D7, which amongst other things expect masterplans to respond to local character, promote attractive well enclosed streets and provide natural security. The layout also has

regard to the urban edge and relationship with the countryside as required by Policy D1(18).'

The materials and detailing of the proposed development would include brick, hung tiles and weatherboarding. This would be generally reflective of a wider Surrey vernacular style, if not immediately reflective of the architectural style of the adjacent existing dwellings. The Council's Conservation Officer has raised a concern regarding some of the specific materials and the applicant has been made aware of this. Alternative samples will be secured through condition. However, as stated by Policy D1, due to the scale of the allocated site, it is considered appropriate that the proposal creates its own identity while also being sensitive to the wider context in which it is located. The Urban Design Officer has commented that 'the proposed detailing is of a high quality and would include brick banding, headers and cills, hung clay bullnose tile details, functional chimneys, half dormers and painted front doors'.

Therefore, the proposal is considered to be compliant with policies D1, D4 and A31 in this regard.

Sustainable design and construction

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... 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. Major development should include a sustainability statement setting out how the matters in this policy have been addressed. All developments should be fit for purpose and remain so into the future. Proposals for major development are required to set out in a sustainability statement how they have incorporated adaptations for a changing climate and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience to the full range of expected impacts. Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements... For major development, this should take the form of an energy statement.

Policy D15 states that Major development proposals within the urban areas shown on the Policies Map are required to demonstrate how the urban heat island effect will be addressed through choice of materials; layout, landform, massing, orientation and landscaping; and retention and incorporation of green and blue infrastructure as far as possible.

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

A sustainability statement and Energy Statement has been included with this application.

The sustainability statement outlines the intention to undertake the following sustainability measures should planning permission be granted:

- existing materials would be recycled or re-used, including internal materials, masonry and trees;
- buildings will be constructed to brick and block module sizes to avoid cutting and waste.
- material waste would be minimised.
- air source heat pumps would be used for the dwellings and electric boilers for both apartments.
- water usage would be limited to a maximum of 110 litres per occupant per day.
- one EV vehicle charging point would be provided per property.

The above is considered to satisfy most of the policy requirements of the energy hierarchy.

It is however noted that the revised energy statement does not address concerns about the reduction in carbon emissions that will be achieved through improvements to the fabric of the properties. Policy D14 (1) of the LPDMP requires development proposals to demonstrate how they have followed a 'fabric first' approach in line with the energy hierarchy. The submitted BREL Compliance Reports demonstrate that the DFEE of the proposed units are approximately the same as the TFEE, with an average improvement of 0.64% - with one dwelling type achieving 0% (i.e., the worst standard allowed by building regulations). FEE values are used as a metric to assess whether a fabric first approach has been followed and while there is some information in the Energy Statement pertaining to efficient thermal elements and

good air tightness, the maximum FEE reduction being achieved being less than 1.2% indicates a fabric first approach has not been followed. If a fabric first approach were to be followed in accordance with the energy hierarchy, one would typically see a FEE reduction of at least 10%.

At present the applicant has not provided an argument as to why the FEE reduction for this proposal is so low. The Council is not aware of any reason as to why a higher standard could not be achieved. As such, it is considered reasonable to add a condition which requires the applicant to demonstrate compliance with the Council's fabric first approach before the commencement of the development.

With the above condition in place, the sustainability measures described are considered to be proportionate to the proposals and would be acceptable.

The impact on heritage assets

As noted above, the wider surrounding area includes a number of listed buildings.

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.' It is noted that as the site is not located within a conservation area the duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 does not apply to this proposal.

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the NPPF sets 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. Paragraph 201 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and

any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 205 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. This policy reflects the statutory duty in section 66(1). Paragraph 206 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS is generally reflective of the NPPF and it states:

- the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported; and
- the impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

Policy D16 of the LPDMP concerns designated heritage assets and it emphasises the requirements in the NPPF as regards the assessment of applications concerning heritage assets. Policy D17 relates to listed buildings, and it notes that (inter alia):

- development proposals are expected to conserve, enhance and where appropriate better reveal the significance of listed buildings and their settings. Where harm to significance is identified this will be considered against Policy D16(3).
- repairs, alterations or extensions, that directly, indirectly or cumulatively affect the special interest of a statutory listed or curtilage listed building, or development affecting their settings are expected to: a) be of an appropriate scale, form, height, massing and design which respects the host building and its

setting; b) have regard to the historic internal layout as well as the architectural and historic integrity that form part of the special interest of the building; c) reinforce the intrinsic character of the building through the use of appropriate materials, details and building techniques; and d) respect the setting of the listed building including inward and outward views.

- development proposals for the demolition/removal of objects or structures fixed to the building or within the curtilage of a Listed Building are required to demonstrate that they are: a) incapable of repair for beneficial use or enjoyment; or b) not of special architectural or historic interest as an ancillary structure to the principal Listed Building.

Heritage assets

The listed buildings in the vicinity of the application include:

- a) Ash Manor complex (Ash Manor (Grade II*), Old Manor Cottage (Grade II*), Ash Manor Oast (Grade II), The Oast House (Grade II), and Oak Barn (Grade II)), and Church of St Peter (Grade II*) which are either 500m or 700m away from the site respectively; and,
- b) York House (Grade 2) which is located to the west of the site on the opposite side of Harpers Road.

Impact on significance

York House:

York House, which is located on the western side of Harpers Road is an immediate neighbour to the application site's northern section. Whilst the proposed development would not have any direct physical impact upon this asset, it would be fair to say that it would result in irrevocable change to the way the asset is experienced and its existing rural hinterland character and setting by virtue of its character and form. Direct views between the application site and York House are to some degree currently limited by the existing mature, largely deciduous vegetative boundary, which is established within the asset's garden and the deciduous planting within the application site. However, the degree of intervisibility experienced is seasonal, with more screening between the application site through to the heritage asset occurring during summer and early autumn, and less during the winter and early spring. That said, irrespective of the identified seasonal difference,

intervisibility between the two sites is possible and is established. Therefore, development of the form, character and density that is proposed is judged to have an urbanising impact on the setting of York House, and that this would be at odds with its prevailing setting and context, thereby resulting in 'less-than-substantial' harm to the heritage asset's setting.

With the application's silence on matter such as landscaping proposals (boundary planting, road surface treatments, lighting columns etc...), it is difficult to determine whether the above identified harm would/could be mitigated. One design matter that is known to be contributing to the harm identified, and which could be mitigated through more appropriate choices, is the materiality of plots 18, 19, 20 and 21. The use of the following materials is unacceptable given the sensitivity of the surrounding context.

- grey clay roof tiles – the prevailing roofing material within the immediate area is red clay. Whilst there are some instances of slate covering nearby, these occurrences are atypical contextually.
- cedar boarding accent material – the use of cedar boarding domestically is wholly out of context. Tile hanging is more vernacular and thus more appropriate should an accent material be desired.
- use of smooth red brick (quoin detailing) – the artificial appearance and texture to this material makes is of significant concern.

Ash Manor/Old Manor Cottage/Ash Manor Oast/Oast House/Oak Barn:

Whilst the proposed development would not have any physical impact upon these assets themselves, it would be fair to say that the proposed suburban scheme would result in a limited degree of visual change to the assets' rural hinterland character and setting, as well as contributing towards the erosion of one's ability to appreciate the wider historic surroundings of the Manor, particularly its extent. As such, harm to the significance of these assets is identified. The harm identified is judged to be 'less-than-substantial' in terms of the NPPF. However, when taking into consideration the following factors listed below, the 'less than substantial harm' identified is at the lower end of the spectrum.

- the resultant built form would not be proximate or have a strong visual relationship with this complex of listed buildings
- the views to and from the heritage assets were not intentionally designed
- the setting has already experienced a degree of change through the introduction

of the railway line

St Peters Church:

The application site is not a location from where the significance of this heritage asset is experienced or appreciated. It is acknowledged that there are views through to the spire from the site, but these are long ranging and are considered to be incidental rather than planned. In the opposing direction there are no views of the application site from the asset or its surrounding burial ground as a result of the intervening development and vegetation. As such I do not consider that the application site contributes to the significance of this heritage asset, and certainly do not believe that the addition of development at the scale and height that the application proposes will result in any negative impact upon the significance of this grade II* listed church, through a change in setting. As such no harm has been identified to this asset.

Cumulative impact:

The inclusion of built form on land historically associated with the Listed Manor complex has already been approved on several adjacent parcels to the east of this group of assets, and whilst this proposed development would build upon further land historically associated with the Listed Buildings and be visible in views from the Grade II* Listed Ash Manor, its discernible form would be more distant than the approved developments and would be somewhat absorbed/mitigated by the neighbouring schemes. It is therefore considered that the cumulative effects would only result in a negligible increase to the level of harm, but that this harm would still remain at the lower end of 'less-than-substantial.'

Paragraph 208 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. However, notwithstanding this, in accordance with the NPPF, great weight and considerable importance must be afforded to any heritage harm and the more important the asset, the greater the weight should be. The public benefit balance will be carried out in the section below.

Heritage harm vs. public benefits balance

Where less than substantial harm has been identified to a heritage asset, paragraph 208 of the NPPF is engaged which states that 'this harm should be weighed against the public benefits of the proposal'. It is also important to note that paragraphs 205 and 206 of the NPPF state that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance...Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

There are two key benefits arising from the proposal.

Firstly, the provision of market housing, which is afforded significant weight. The proposal will make an important contribution to the Council's supply of housing in the area.

Secondly the provision of affordable housing, which is also afforded significant weight. The application proposes nine affordable units. This is not an insignificant number of units and will help to address an acute need which exists across the borough.

There are two additional benefits arising from the scheme. Firstly the economic benefits in the short-term arising from construction jobs and in the longer term stemming from continuing occupation. This is given modest weight. Secondly the provision of recreational open space and the resulting improvement and management of the existing woodland on the site. This is also given modest weight.

As noted above, paragraph 205 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' It should also be remembered that 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.'

It has been concluded above that the proposal, even when combined with other schemes in the area, would result in less than substantial harm (at the lower end of the scale).

Although great weight and considerable importance has been afforded to the heritage harm, it is considered – as was the case with application 22/P/00977 (and the subsequent appeal) - that the public benefits of housing, both market and affordable, along with the other identified benefits continue to be sufficient to outweigh the identified heritage harm.

Highway / parking considerations

The applicant has submitted a Transport Statement (TS) with the planning application. This provides details regarding the impact of the development on the local highway network.

NPPF Chapter 9 'Promoting Sustainable Transport' expects transport issues to be considered from the earliest stages of development proposals so that:

- opportunities to promote walking, cycling and public transport use are identified and pursued; and
- patterns of movement ...and other transport considerations are integral to the design and contribute to making high quality places.

Paragraph 115 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The LPSS contains the following policies relevant to assessment of the proposals: D1(6) requires all new development to ensure...it creates safe and accessible spaces, with particular regard given to maximise opportunities for pedestrian and cycle movement and the creation of a high-quality public realm; (9) requires development to be well designed to meet the needs of all users, including in respect to transport infrastructure and public realm.

The LPDM also includes policies relating to parking provision, the creation of a cycle network and public realm. These policies along with the new Parking Standards for New Development SPD will be considered, where relevant below.

Highway capacity

The TS notes that in the morning and afternoon peaks, the proposal would generate an additional 13 vehicle movements along Harpers Road. Over the course of a day, the proposal would generate a total of 136 vehicle movements, which is 130 more than the existing situation.

The applicant's TS state that the 'proposals would...lead to a moderate increase in vehicular traffic along Harpers Road over the course of a typical weekday. This would include traffic from private cars in the order of around 14 two-way vehicle movements during the morning and evening peak hours. If the development generates the above level of trips it would equate to one additional trip on Harpers Road every four minutes. This will have minimal impact on Harpers Road and the surrounding highway network...and confirms that the proposed development would only result in a moderate increase in traffic flows. Therefore, the development is unlikely to have much of a material impact on the operation of Harpers Road and the local highway.'

The TS submitted with the application has been reviewed by the County Highway Authority (CHA). The CHA note that a trip rate analysis has been undertaken as part of the proposal and the development of 24 dwellings is 'unlikely to lead to a significant impact on the local highway network'. This was the same conclusion reached by the CHA when consider the application for 21 dwellings on the site which has since been allowed at appeal. However, the CHA note that proviso that the above assessment is based on the Ash Road bridge scheme being implemented. It is stated that this should reduce the overall number of vehicles using Harpers Road to avoid the existing level crossing. As such, this development is only possible in highway capacity terms if the road bridge is constructed. On this basis, the CHA raises no objections to the proposal.

To ensure that the surrounding highway network, including Harpers Road, is able to cater for the proposed development, a number of measures need to be controlled and secured. Firstly, the applicant should make a proportionate contribution to the

Ash Road bridge project. This contribution has now been sought for multiple applications within the area and has been found to be reasonable at various appeals undertaken by the Planning Inspectorate. The Council's Corporate Projects Team have provided a 'Justification Statement' to the Local Planning Authority, and this sets out that the contribution for this proposal towards the Ash Road bridge scheme would be £304,382. This could be secured by way of a legal agreement.

Secondly, to ensure that traffic from the development does not cause capacity issues on Harpers Road, it is considered reasonable to restrict the occupation of the development until the Ash Road bridge has been completed. The Planning Inspectorate imposed such a condition as part of the most recent appeal at the site, as well as on the neighbouring site to the south (Orchard Farm). As the bridge is now well under construction, such a restriction is considered to be reasonable and compliant with the relevant tests for conditions.

Although Members have raised concerns about the capacity and safety of Harpers Road on numerous occasions, this matter has now been tested twice at appeal by different Inspectors. Their conclusion was that with the bridge in place and operational, the highways impact of the proposal would be acceptable. For the most recent appeal at the application site the Inspector concluded *'I find that the proposal would not result in additional conflict that would cause harm to pedestrian or highway safety on Harpers Road. I do not disagree with the Council's position that additional traffic on Harpers Road may at some point reach a level where there would be an unacceptable impact on highway safety, but from the evidence before me in this case, I consider that the proposal would not result in such a level being exceeded'*. As noted above, the appeal proposal was for 22 dwellings and this proposal would be for a slightly higher number of 24. It is considered that the additional traffic associated with the additional two dwellings would also not reach a level where there would be an unacceptable impact on highway safety. This is borne out by the fact that the County Highway Authority continue to raise no objection to the development.

With all of the above in place the application is deemed to be acceptable in this regard.

Highway safety

In terms of highways safety the CHA note in their response that the proposed access

points to Harpers Road will be provided with sufficient visibility. Vegetation should be regularly maintained at the site access to ensure maximum visibility splays are achievable at all times. The CHA also note that tracking has been provided which demonstrates that vehicles can enter and leave the site effectively. In addition to this the CHA have requested a contribution of £27,600 which would be used towards highway improvements in the vicinity of the site. It is noted that this could include provision of road safety improvements at the junction where Harpers Road meets Ash Green Road. This has been discussed with SCC's highways team who have confirmed that this contribution would sufficiently go towards an improvement scheme.

It is also noted that new pedestrian and cycle links to neighbouring land will be provided as part of the development. This includes a link to the already approved scheme at Orchard Farm, as well as a new link through the northern end of the site which will connect into the public right of way that runs through the Wildflower Meadows development. This will increase permeability in the local area and will give pedestrians and cyclists other options to using the highway along Harpers Road.

It is noted that the width of Harpers Road and a potential conflict between different road users (vehicles, pedestrians, cyclists, horse riders etc) has been previously raised as a concern by both residents and Members. The concern was part of the reason for refusal of the previous scheme which has now been allowed on appeal. The Inspector dealt with this issue by noting:

'...I find that the proposal would not result in a significant increase in pedestrian or cycle movements on the northern part of Harpers Road, and particularly not during the morning peak when vehicle flows would be highest. Routes through the site could also offer a reasonable potential alternative to Harpers Road for existing pedestrians who may originate from locations to the south of the site to reach facilities to the north and in Ash. Furthermore, my attention has not been drawn to any destinations likely to attract additional pedestrian or cycle movements on the southern section of Harpers Road where vehicle flows are in any event generally lower...I acknowledge the lack of footways to Harpers Road and that the carriageway is not wide enough to allow vehicles to pass in some places, including a particularly narrow point to the south of Pine Cottages and where it is narrowed by on-street parking between Guildford Road and Pine Cottages. Based on my observations however, the variable width of the carriageway helps to moderate speeds at the narrowest points, with speeds also lower on the approach to and exit from the junction with Guildford Road.

At the narrowest points, vehicles may not be able to comfortably overtake a cyclist. However, the short time that it would be likely to take a cyclist to travel the distance between the site and Guildford Road would limit the number of vehicles that they would be likely to encounter as well as the likelihood of causing queues which could encourage risky overtaking. Visibility along the highway to the north of the site is also generally reasonable. Having regard to these factors and my assessment of vehicular traffic levels, I find that increased traffic flows would not pose an unacceptable risk to pedestrians, cyclists or other highway users'.

Taking into account the comments from the CHA, the proposed mitigation measures, as well as the fact that the Planning Inspectorate raised no highway safety concerns that were sufficient to dismiss the previous appeal, the proposal is considered to be acceptable from a highway safety perspective.

Parking

Policy ID10 of the LPDMP relates to parking standards for development.

3) For non-strategic sites:

- a) the provision of car parking in new residential development in Guildford town centre or suburban areas, for use by residents themselves, will have regard to the maximum standards set out in the Parking Standards for New Development SPD;
- c) the provision of additional unallocated parking, to allow for visitors, deliveries and servicing, at the ratio of 0.2 spaces per dwelling will only be required where 50% or more of the total number of spaces, provided for use by residents themselves, are allocated;
- e) the provision of electric vehicle charging will provide at least the minimum requirements set out in Building Regulations (Part S); and
- f) the provision of cycle parking will have regard to the minimum requirements set out in the Parking Standards for New Development SPD.

4) For residential and non-residential development on strategic sites and also non-strategic sites in urban areas:

- a) the provision of car and motorised vehicle parking at lower than the defined maximum standards must be justified by a coherent package of sustainable transport measures which will be proportionate to the level of reduction sought. Evidence will be expected to address:
 - i) generous provision of unallocated car parking as a proportion of all car parking

spaces provided by the development proposal, where this enables more efficient use of land;

- ii) excellent quality of walking and cycling access to a local centre, district centre or Guildford town centre;
- iii) high public transport accessibility; and
- iv) planning obligations and/or on-street parking controls such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

5) For all sites:

- a) car parking spaces external to a dwelling will be required to meet the minimum size requirements of 5 by 2.5 metres;
- b) a garage will only count as providing a car parking space if it meets the minimum internal dimensions of 6 by 3 metres. A garage with the minimum internal dimensions of 7 by 3.3 metres will be considered to also have the capacity to park up to two cycles, allowing independent access. A garage with the minimum internal dimensions of 7 by 4 metres will be considered to have the capacity to park up to five cycles, allowing independent access. Alternate layouts for garages which can be demonstrated to provide equivalent or better space provision and access for a vehicle and cycles may be acceptable;
- c) car parking spaces for disabled drivers will be designed and provided in accordance with national guidance;
- d) development proposals will be required to demonstrate that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

The Parking Standards for New Development SPD notes that the site is in the suburban area and is a non-strategic site. As such, the maximum standards for car parking for dwellings, for use by residents themselves are:

1 bed flats	1 space
2 bed flats	1 space
1 bed houses	1 space
2 bed houses	1.5 spaces
3 bed houses	2 spaces
4+ bed houses	2.5 spaces

This equates to a maximum requirement of 45.5 spaces for this application. As more than 50% of the parking spaces are to be allocated, a total of five (rounded up from 4.8) unallocated spaces are also required.

Within their submission, the applicant has put forward the following breakdown of car parking on the application site:

- 48 allocated spaces; and
- 4 unallocated parking spaces.

While it is noted that there are more allocated spaces than the maximum standard set out in the policy, the non-compliance is only two spaces. This is not significant and given the fact that there is no on-street parking available locally, the additional spaces are deemed to be acceptable in this instance and would not result in any material harm to the area. It is noted that only four of the five required visitor spaces are provided, however, again, this minor non-compliance would not in itself lead to a justification to refuse planning permission.

It is noted that the applicant has confirmed that all of the parking spaces and garages meet the size requirements set out in policy ID10.

In terms of cycle parking the SPD requires a minimum of one parking space per bedroom which equates to 67 spaces for this development. There is no reason to believe that this number of cycle spaces cannot be accommodated on the site. A condition is recommended for a cycle parking strategy to be submitted to and agreed by the Council. This will further emphasise the importance of cycling generally, and the level of cycle parking provision.

All dwellings with dedicated off-street parking spaces will have one charging socket per dwelling.

Other road layout matters

The applicant has provided plans which show that a GBC refuse vehicle is able to enter and exit the site in a forward gear. The applicant has submitted tracking plans for manoeuvres, where it has been demonstrated that the refuse truck can safely move around the site.

Overall, internal layout and parking proposed is considered to be acceptable, forming

a well-considered and designed residential development. The above assessment has identified some conflict with policy ID10, where higher than the maximum allocated parking is provided, and a lower number of unallocated visitor parking is provided. This breach does not however result in any harmful impact, as the total number of spaces, when including the garages is very close to the total parking requirement for the site (both for residents and visitors) when compared against the requirements of the LPDMP and SPD.

Flooding and surface water drainage

Policy P11 of the LPDMP requires that "Drainage schemes are required to intercept as much rainwater and runoff as possible, including runoff from outside the site." Policy D15 of the LPDMP reiterates that "development proposals are required to demonstrate adaptation for more frequent and severe rainfall events through measures including: designing planting and landscaping schemes to absorb and slow down surface water; and the use of permeable ground surfaces wherever possible.

The site is located within flood zone one. The applicant has submitted a Flood Risk Assessment and Drainage Strategy (May 2022) and an Indicative Surface Water Drainage Strategy (March 2022) as well as completing the Surface Water Drainage Pro-forma for new developments.

The Environment Agency have confirmed that they did not need to comment on this application. The Local Planning Authority is content that the proposal would not increase the flood risk to surrounding land and that the mitigation measures employed through the design would ensure occupiers and visitors of the new buildings would remain safe from possible flooding.

In terms of drainage, the proposal has been reviewed by the Lead Local Flood Authority and the strategy proposed is deemed to be acceptable, subject to proposed conditions.

In this regard, the proposal is deemed to be acceptable.

Ecology and biodiversity

Policy ID4: Green and blue infrastructure of the LPSS, Policy P6: Protecting Important Habitats and Species and Policy 7: Biodiversity in New Developments of the LPDMP

provide the relevant policy on the impact on biodiversity in new developments.

Policy ID4 requires that the ecological, landscape and recreational value of watercourses will be protected and enhanced. Policy P6 further requires that habitats hosting priority species and aquatic habitats are required to preserve the relevant ecological features through the application of the mitigation hierarchy, and to deliver enhancements to the ecological features. The habitats should be protected by appropriate buffers from adverse impacts including those resulting from recreational use. Development proposals are required to protect and enhance priority species and habitats.

Policy P7 requires development proposals, including those exempt from minimum biodiversity net gain standards, are required to seek maximum biodiversity gain on site balanced with delivering other planning priorities and to follow the mitigation hierarchy. Major development proposals are required to set out plans for long term management and maintenance of on-site biodiversity. They should also include features in or on building structures that support nature and be designed to create areas of new habitat, providing links and corridors between new and existing habitats.

The applicant has submitted a Biodiversity Management and Enhancement Strategy, an Ecological Impact Assessment, A Protected Species Report and a River Condition Assessment Note to describe the proposed strategy in relation to Biodiversity and Ecology.

The Ecological Impact Statement provides detail on badger, bat and reptile surveys carried out, and proposed mitigation to protect these species. This includes bat boxes installed within the woodland to compensate for loss of roosts and a new bat loft incorporated in the car barn that sits over the parking spaces for plots 3-6, adjacent to the woodland, to compensate for the loss of the Brown Long-eared maternity roost. Surrey Wildlife Trust have reviewed these measures and found them acceptable subject to conditions requiring further information prior to commencement.

The Ecological Impact Statement further details how a Biodiversity Net Gain of 15.79% can be achieved for Habitat units and 139% for Hedgerow units. After further discussions with Surrey Wildlife Trust, a River Condition Assessment Note for the watercourse which runs through the site was also submitted which details that

through enhancements to the stream on site, a Biodiversity Net Gain of 11.61% for watercourse unit could be achieved. Surrey Wildlife Trust have reviewed these figures and are content that, subject to conditions, they would meet the relevant legislation and policy requirements.

In addition, the submitted documents describe measures such as the additional tree planting (described below), the enhancement of existing hedgerows and landscape areas to create wildlife corridors and connectivity around the boundaries. New native planting would include fruit and seed-bearing species to provide foraging opportunities.

It is considered that the submitted evidence complies with the objectives of local and national policy subject to mitigating conditions.

Impact on trees

Policies LPDMP P6 and P7 described above are also relevant to the impact on trees. Tree canopies are expected to be retained and new tree planting is expected to focus on the creation of new connected tree canopies and/or the extension of existing canopies, unless doing so would adversely impact on sensitive species or habitats. Tree planting schemes are expected to provide resilience in terms of climate, disease and ageing, incorporating large species with long lifespans where opportunities arise. Planting schemes are expected to use UK sourced, native species, unless imported strains of native species would offer greater resilience and are free from disease.

As part of the application an Arboricultural Method Statement, an Arboricultural Impact Assessment, a Preliminary Tree Constraints Plan, a Tree Protection Plan, and Woodland Management Proposals have been submitted. The documents propose the felling of 15 trees. The remaining trees, including the central tree belt, the trees in the northern portion of the site protected by the TPO and some trees to the boundary and entrance of the southern portion of the site would be retained and protected during construction as per the Arboricultural Method Statement and Tree Protection Plan.

Additional tree planting has been proposed throughout the proposal, including:

- 592sqm of additional tree planting to enlarge the central tree belt
- additional trees along the entire length of Harpers Road

- additional trees along the north-eastern edge of the site
- additional trees adjacent to Oakside Cottage

New planting would be native species including fruit and seed-bearing species. The Arboricultural Officer has been consulted on these proposals and has confirmed that there is no arboricultural objection, subject to conditions.

It is therefore considered that given the retention of the majority of trees on this site, and the proposed addition of new native species trees, the proposals are policy compliant in respect to the impact on trees.

The impact on the Thames Basin Heaths Special Protection Area

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

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

The applicant proposes to mitigate the impact of this development by securing capacity at a private SANG which has a catchment which includes the site. This would be secured through the legal agreement.

Natural England is satisfied that, subject to compliance with the adopted SPD, the impact of the development on the Thames Basin Heaths SPA can be appropriately mitigated.

Based on the adopted tariffs and the number and mix of units, the proposal generates a SAMM contribution of £23,851.51.

If the above mitigation was secured by way of a s.106 agreement, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has also been completed by the Local Planning Authority and it has been agreed with Natural England.

s.106 considerations

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

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

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

Thames Basin Heaths SPA

The development is required to mitigate its impact on the TBHSPA, and this has been set out in the preceding section of this report.

With the legal agreement in place, securing the appropriate mitigation, the proposal would accord with the TBHSPA Avoidance Strategy SPD 2017, and the advice provided by Natural England. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is therefore necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Affordable housing

The requirement for affordable housing has been set out above. The applicant is offering to provide nine on-site affordable units. The legal agreement would secure this, as well as the tenure and mix.

The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Education

The development is likely to place additional pressure on school places in the area at early years, primary and secondary level. The development should mitigate these impacts. Surrey County Council as the Education Authority has provided a list of projects which contributions would be allocated to, and these are considered to be reasonable and directly related to the development. The total education contribution sought is £233,076.

As such, these contributions are required to mitigate the impact of the proposal on the local education system.

Highways

The County Highway Authority has requested a financial contribution of £27,600.

It is noted that the proposal will lead to an increase in vehicular movements to / from the site and, as such, the monies secured for highway improvement schemes will go towards mitigating the proposal's impact on the highway network. In this instance, the contribution of will go towards the provision of road safety improvements at the junction where Harpers Road meets Ash Green Road. The County Highway Authority notes that this has been discussed with SCC's highways team who have confirmed that the contribution of £27,600 will sufficiently go towards an improvement scheme.

These measures all help to mitigate the impact of the proposal on the surrounding highway network and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Ash Road bridge

Guildford Borough Council (Corporate Projects Team (CPT)) has requested a contribution of £304,382 towards the provision of Ash Road bridge.

It is suggested as reasonable that a contribution is secured from the applicant towards the bridge scheme, which forms a requirement of Policy A31 of the Guildford Local Plan and LRN19 of the Infrastructure Delivery Schedule and is identified as key infrastructure on which the delivery of the Local Plan depends. The cumulative impact of traffic from development associated with Policy A31 was accepted by the Inspector for the Local Plan as justifying the Ash Road bridge requirement.

All sites within allocation A31 that have come forward since the Local Plan was adopted in April 2019 have made a contribution towards Ash Road bridge, together with one site in A30 (Land to the East of White Lane) and one windfall site. The site of the proposed development benefits from the A31 allocation on the basis that the requirements, including the bridge scheme, are met.

The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Open space and recreation

As noted above, the proposal is deficient in terms of the amount of open space, allotments etc that is being provided on-site. However, policy ID6 does allow for this to be mitigated as a contribution towards off-site provision. The relevant contributions are set out in the supporting information to policy ID6. The off-site contributions have been set out above and in summary, taking into account the provision of amenity green space on the site, the amount totals £144,848.69. This would be used toward open space and recreation projects in the surrounding area.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Other matters

There are also a number of other non-financial obligations within the legal agreement. These include the following:

- securing pedestrian and cycle links between the application site and Wildflower Meadows and Orchard Farm; and

- ensuring that there is free and unfettered access across the development for the residents of the surrounding developments.

These measures will ensure that the accessibility requirements set out in the Strategic Development Framework SPD can be achieved and are necessary, directly related to the development and reasonable and therefore meet the requirements of Regulation 122.

Conclusion and final balance

This site is allocated under policy A31 for residential development. As such, the principle of the proposal is considered to be acceptable. Planning permission also exists on this site for 22 dwellings.

However, it has been acknowledged above that the proposal would lead to less than substantial harm, at the lower end of the scale to a number of listed buildings, including higher graded II* assets. In accordance with the NPPF and the statutory obligations under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, **great weight and considerable importance** must be afforded to this harm.

The proposal would also result in some harm to the amenity of Oakside Cottage in terms of overlooking and loss of privacy. However, given the layout of the scheme and the distances to Oakside Cottage, the harm is considered to be limited. **Modest weight** is afforded to this harm.

It is also noted that the proposal is in conflict with policy H2 of the LPSS. The development would deliver a total of 39.1% affordable housing which is less than the 40% that the Council requires. While this conflict with the policy is recognised, the technical under provision is only 0.9 percentage points. While it is noted that an additional affordable dwelling would overcome this issue, the applicant has declined this request. Although in technical terms the non-compliance is minor, the Council does have a serious shortfall of affordable housing, significant weight must however be given to the planning permission that exists for this site where there is also a very slight under provision of affordable housing if the Policy is interrupted as the Council suggests. As such, **modest weight** is afforded to this harm.

The benefits of the proposal have already been set out above. Firstly, the provision of market housing is afforded **significant weight**. Secondly, the provision of

affordable housing is also afforded **significant weight**. In addition, the economic benefits in the short-term arising from construction jobs and in the longer term stemming from continuing occupation is given **modest weight**. The provision of recreational open space on the site and the continued management and maintenance of the existing woodland is also given **modest weight**.

It is therefore Officer's view that the benefits associated with the proposal do, on this occasion, materially and demonstrably outweigh the identified harm.

In general, the proposed dwellings have been designed to reflect the local vernacular. The final site landscaping will be controlled by condition to ensure the development is appropriate to its surrounding context in this regard.

As regards highways, no objections have been raised by the County Highway Authority in terms of the capacity of the road network or the safety of road users. While these arguments were used to refuse the last application on the site (22/P/00977), the Planning Inspector has allowed the subsequent appeal, finding no harm in this regard.

The details approved by this application will minimise the harm to the designated heritage assets in the area and ensures that the development itself will cause less than substantial harm - at the lower end of the scale. It has been concluded that this level of harm is outweighed by the public benefits of the proposal.

In conclusion the benefits of this proposal are considered to clearly and demonstrably outweigh the harm which has been identified, which includes the heritage harm which should be given great weight and considerable importance. Subject to the conditions, the application is therefore recommended for approval.

Appeal Decision

Hearing held on 6 February 2024

Site visit made on 7 February 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/Y3615/W/23/3330834

Streamside Harpers Road, Ash, Guildford GU12 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Kamm, Bourne Homes Ltd against the decision of Guildford Borough Council.
 - The application Ref 22/P/00977, dated 30 May 2022, was refused by notice dated 26 June 2023.
 - The development proposed is demolition of existing house and outbuildings and erection of 22 new houses with associated parking and creation of new vehicular access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for 'demolition of existing house and outbuildings and erection of 22 new houses with associated parking and creation of new vehicular access' at Streamside Harpers Road, Ash, Guildford GU12 6DB in accordance with the terms of the application Ref 22/P/00977 dated 30 May 2022 subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Andrew Kamm, Bourne Homes Ltd against Guildford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal seeks outline planning permission. Approval is sought for matters of access, layout and scale, and I have considered the appeal on this basis. I have regarded details of the reserved matters of appearance and landscaping as illustrative.
4. Prior to the opening of the Hearing, the appellant provided a planning agreement pursuant to section 106 of the Town and Country Planning Act 1990. A completed agreement dated 13 February 2024 ('the s106') was submitted shortly after the Hearing closed.
5. A revised version of the proposed site plan was submitted as part of the appeal (plan no. 6502-SK002 Rev F). This plan shows additional detail of the neighbouring property Oakside Cottage, but does not alter any part of the proposed development. I am satisfied that my consideration of this plan would not cause prejudice to any party, and I have therefore taken it into account.

Main Issues

6. The main issues are:
- i) the effect of the proposal on pedestrian and highway safety;
 - ii) the effect of the proposal on the living conditions of the occupiers of Oakside Cottage with particular regard to privacy; and
 - iii) the effect of the proposal on the integrity of European Sites.

Reasons

Pedestrian and Highway Safety

7. The appeal relates to a site on Harpers Road to the east of Ash which is part of the 'Land to the South and East of Ash and Tongham' strategic location for development allocated at Policy A31 of the Guildford Borough Local Plan: Strategy and Sites 2019 ('the LPSS'). The allocation provides for approximately 1,750 homes. It also includes a requirement for the provision of a new bridge to enable the closure of a level crossing on the A323 Guildford Road adjacent to Ash Railway Station; known as the Ash Road Bridge ('the ARB') project.
8. At the time of my visit, works on the ARB were underway, and I saw development ongoing on other parcels within the allocation including 'Wildflower Meadow' adjacent to the northern part of the appeal site and at 'May and Juniper Cottages' on Ash Green Road. Since the Council determined the application, planning permission has also been granted on appeal¹ for development on 'Orchard Farm' adjacent to the southern part of the site.

Access Routes and Connections

9. The 22 dwellings proposed on the appeal site would be arranged in two parcels with a landscaped belt between them. There would be 14 dwellings on the southern part of the site taking vehicular access from Harpers Road in the location of the existing access to Streamside and 8 dwellings on the northern part of the site served by a new vehicular access from Harpers Road.
10. Policy A31 of the LPSS includes a requirement for 'proposed road layout or layouts to provide connections between both the individual development sites within this site allocation and between Ash Lodge Drive and Foreman Road...in order to help alleviate congestion on the A323 corridor'.
11. The proposal does not include vehicular connections to other development sites within the allocation. However, the Council accepted at the Hearing that the potential for such a connection to Wildflower Meadow would be hampered by the layout of that development. The approved Orchard Farm scheme would appear to offer some potential for a connection, but any such arrangement would still ultimately result in the development being reliant on Harpers Road for vehicular access. The Council commented that any reduction in the number of accesses on Harpers Road would be beneficial, but I have no firm reason to find that the number of accesses now proposed would in principle cause unacceptable harm to highway safety or other detriment. In this context, I consider the lack of vehicular connections to other development sites does not weigh against the proposal.

¹ Appeal ref APP/Y3615/W/22/3312863

12. The location of the appeal site which is set apart from Ash Lodge Drive and Foreman Road by intervening parcels also restricts the opportunity to provide a connection between these routes as part of the proposal. However, the s106 does include a contribution to the ARB which is expected to improve congestion on the A323 corridor.
13. Moreover, the requirement within Policy A31 referring to 'proposed road layout or layouts' does not specify that it is only concerned with vehicular connections. The proposal includes walking and cycling connections between the two parcels on the site, as well as two links to the Orchard Farm site, and a link to Public Right of Way 356 ('PROW356') which runs between Harpers Road and Wildflower Meadow to the north of the site. Accordingly, the overall layout would provide connections to surrounding development sites in the allocation as sought by Policy A31.
14. The walking and cycling links would offer occupiers of the appeal and surrounding sites an increased choice of routes to access destinations, including the station and other facilities in Ash. Specific infrastructure for pedestrians and cyclists along Harpers Road is not part of the proposal. Nevertheless, I consider the greater choice of routes would offer improvement to existing cycle and walking infrastructure and would adequately prioritise and promote active travel by walking and cycling as sought by Policy ID3 of the LPSS and the Strategic Development Framework Supplementary Planning Document 2020 ('the SDF').
15. I therefore find having regard to the site's characteristics and location that the position of the proposed access routes and connections would be acceptable.

Access Design

16. The Council states that access for refuse or similar sized vehicles and fire tenders to the north part of the northern development parcel would need to be from Harpers Road to the south, and has provided swept path diagrams suggesting that manoeuvres to and from Harpers Road in the opposite direction would not work. It also suggests that access to the south part of the northern parcel would need to be from Harpers Road to the north.
17. However, I note that the swept path diagrams presented indicate that access for fire tenders to the south part of the northern parcel from or to the south would be tight, but not impossible. Furthermore, there would be scope for vehicles to turn within the north part of the parcel before then travelling to the south, and similarly for vehicles to turn within the south part of the parcel before then travelling to the north.
18. At the Hearing, the Council raised concerns that the size of parking spaces adjacent to the turning points could lead to overhanging parked vehicles that would interfere with manoeuvres. However, the swept path diagrams for turning fire tenders in the appellant's transport evidence show fairly significant clearance such that any overhang would be unlikely to impede these movements. Clearance indicated for refuse and similar sized vehicles is more modest, but would still seem to me to offer some flexibility, particularly noting that landscaping is a reserved matter so suitable treatment could be secured to cope with any potential body overhang around turning points. On that basis, larger vehicles would be able to enter and leave the northern parcel in forward gear travelling in either direction on Harpers Road.

19. I accept that a need for some vehicles to turn within the northern parcel to access certain properties depending on their direction of approach/exit would be far from desirable. However, with only 4 dwellings to each part of the northern parcel, instances when this would be necessary would be likely to be relatively infrequent with refuse collection the most regular occurrence. These vehicles would need to access both parts of the site in any case as part of a planned route, and I note that the Council's Technical Support and Improvement Officer reviewed access arrangements for refuse vehicles and raised no objection to the proposal.
20. In addition, the number of trips generated by the 8 total dwellings on the northern parcel would also be very small, even in peak hours, so that the likelihood of a car meeting a larger vehicle at the access to Harpers Road would be slight. The prospect of more than 2 vehicles meeting would be even more limited. As a result and having regard to the visibility of the access from Harpers Road, I consider that risks of conflict or associated with a vehicle needing to wait at the access for another to enter/leave the site would be negligible and would not cause unacceptable harm to highway safety.
21. Vehicles leaving the site from the north part of the northern parcel would be at an angle to the main carriageway. This may require drivers to look over their shoulder and passenger seat to observe southbound vehicles on Harpers Road, but the angles are not so acute that I consider there would be a significant reduction in visibility from the visibility splays indicated so as to present an unacceptable risk to highway users.
22. No Stage 1 Road Safety Audit is before me and I acknowledge that the access design to the northern development parcel of the site would not be ideal. Nevertheless, I find for these reasons that access to the site would be adequate and would not cause unacceptable harm to highway safety. That Surrey County Council ('SCC') as the Local Highway Authority ('the LHA') which is the relevant statutory consultee did not object to the proposal, commenting that vehicles can enter and leave the site effectively, further reinforces my view.

Harpers Road

23. I have noted above that there would seem no realistic alternative to vehicular traffic from the appeal site ultimately using Harpers Road. Although there are some differences in figures, the various assessments of existing vehicular traffic referred to in the evidence before me indicate higher flows on the northern section of Harpers Road than the southern section, and that flows are highest in the morning peak hour.
24. By reducing delays on the A323 associated with the Ash level crossing and thus vehicles seeking alternative routes to avoid congestion, the ARB is expected to reduce traffic flows on Harpers Road. I heard that the ARB is currently expected to open in February 2025. With the ARB in place, the main parties suggest ranges of 56-81 vehicles per hour ('vph') on the northern part of Harpers Road in the morning peak and 45-55vph in the afternoon peak which are consistent with levels noted by the Inspector in the Orchard Farm appeal decision.
25. The Council's evidence suggests that the appeal scheme and other committed developments in the area would generate around 57 additional vehicle

- movements on the northern section of Harpers Road during the morning peak hour and 51 in the afternoon peak hour.
26. Of these movements, there is no dispute between the parties about the level of traffic that would be generated by the appeal proposal. Nor has the appellant challenged the traffic flows presented by the Council for committed developments at Orchard Farm and sites known as The Firs and Land East of White Lane.
27. In respect of May and Juniper Cottages, the Council suggests 23 movements on the northern part of Harpers Road in the morning peak hour and 18 in the afternoon peak hour assuming that the site's access to Ash Green Road were not stopped up in future as had been suggested historically. However, I heard that these figures reflect the total eastbound traffic flows on Ash Green Road identified in the May and Juniper Cottages scheme's transport assessment. This eastbound traffic would reach the junction with Harpers Road where traffic heading for Guildford Road would then have a choice whether to turn left up Harpers Road or right to travel via Wyke Lane. The distance to go east on Guildford Road would be very similar on either route, and while any traffic looking to go west would be likely to prefer Harpers Road, it could also travel from the site entrance via Foreman Road. I also heard that the Transport Assessment for the ARB indicated that existing flows at the Ash Green Road junction are heavily weighted towards travel by Wyke Lane. Given these factors, I consider that assuming a broadly equal apportionment of traffic to Harpers Road and Wyke Road as the appellant has done would be reasonable. This would indicate around 11 movements on the northern part of Harpers Road in the morning peak hour from May and Juniper Cottages and 9 in the afternoon peak hour.
28. On this basis, I consider that the increase in flows on the northern section of Harpers Road stemming from the appeal scheme and committed developments would be lower than suggested by the Council at around 45vph in the morning peak hour and around 42vph in the afternoon peak hour. Combined with the post-ARB flow ranges, this would suggest movements on the northern part of Harpers Road in the region of around 101-126vph in the morning peak and in the region of around 87-97vph in the afternoon peak. I have more limited evidence in respect of the southern section of Harpers Road and so cannot consider the likely flows here in similar detail, but from the information that is available, these would be lower than those on the northern section.
29. Having regard to my findings above, flows on the northern section of Harpers Road in the morning peak could well exceed 100vph which the Council suggests is the maximum threshold for acceptable flows on Harpers Road. At the Hearing, the Council advised that this figure of 100vph was based on guidance in Manual for Streets ('MfS') referenced in pre application comments by the LHA that use of Harpers Road as a shared surface would be acceptable where flows were less than 100vph.
30. However, I heard that the context of the relevant part of MfS is guidance on circumstances when shared surface streets are likely to work well. In addition to a volume of traffic below 100vph, these include streets in short lengths or where they form cul-de-sacs and where parking is controlled or takes place in designated places, neither of which are characteristics of Harpers Road. Irrespective of traffic flows, I therefore agree with the Inspector in the Orchard

Farm decision that the circumstances where shared surfaces are likely to work well do not exist on Harpers Road.

31. At paragraph 21, the Orchard Farm decision does refer to vehicle movements of around 100 on the northern and busier section of Harpers Road during the morning peak. However, from my reading of the decision, this is simply the Inspector's view of what the likely level of future traffic would be with regard to that scheme, and I do not see any pronouncement in the decision that a figure of 100vph represents an upper acceptable limit on Harpers Road.
32. In addition, I heard that the 100vph figure in MfS is based on research on pedestrian behaviour. Based on my observations, Harpers Road has the characteristics of a rural lane and pedestrians would already treat it as a road to be crossed rather than a space to occupy which would seem to me to limit the pertinence of the 100vph figure in this case. Even at the top end of the range of flows in the morning peak, there would be little more than 2 vehicles per minute on average on the northern section of Harpers Road and I consider that it would remain a relatively lightly-trafficked rural lane. I further note that the 101-126vph range in the morning peak would not be significantly more than the range of 101-118vph indicated by the various assessments cited by the parties as the existing baseline. In this context, I find that while traffic on the northern part of Harpers Road may exceed 100vph in the morning peak hour, the likely increase in flows with the ARB in place would not alter behaviours of existing highway users. Traffic flows at other times, including when nearby routes may be more likely to be used by horse riders, and to the southern section of Harpers Road would be lower and below the 100vph that the Council refers to as acceptable, irrespective of my reservations about the applicability of this figure as a threshold.
33. Occupiers of the site would be likely to generate additional non-vehicle movements. However, Ash Station and other destinations around the village centre which are likely to attract the greatest number of trips are located to the west of the site. The most direct pedestrian route to these would be through Wildflower Meadow so that travel on Harpers Road would not be necessary.
34. There are a pre-school, recreation ground with playground, pub/restaurant, bus stops and a convenience store to the north and east of the site which could generate trips. However, pedestrians from both the appeal site and Orchard Farm would be able to access the pre school, recreation ground with playground and bus stops via the routes through the appeal site up to PROW356 and then through the recreation ground. Journeys would be further than leaving the appeal site at the northern access and then travelling along Harpers Road, but only very slightly so. Similarly, a pedestrian route to the convenience store via PROW356 and the Wildflower Meadow site would not be substantially longer than routes using Harpers Road. In my judgement, the modest increases in distance would not be a significant deterrent leading pedestrians from either the appeal site or Orchard Farm to prefer Harpers Road which lacks footways in order to reach these destinations. Journeys to the pub/restaurant would be more notably direct using Harpers Road which could encourage use of this route over alternatives, but such trips would be unlikely to coincide with the highest flows of traffic in the morning peak.
35. PROW356 is currently a footpath only, but there would be only a short distance from the appeal site boundary to reach roads within Wildflower Meadow which

would then be cyclable to reach destinations in Ash to the west and the convenience store. Alternatively, the Council's evidence shows a cycle link from the site up to Wildflower Meadow through the Orchard Farm scheme which would be of similar distance to a route along Harpers Road. I acknowledge that there could be some cycle trips on Harpers Road to reach other facilities to the north east. However, Harpers Road would already offer the most direct cycle route to reach these from Orchard Farm irrespective of the appeal scheme. Indeed, use of routes through the appeal site could actually reduce slightly the distance that cyclists from Orchard Farm would need to travel along Harpers Road between the respective site accesses. Noting also the nature of the facilities to the north east, I consider that the potential increase in cycle movements on Harpers Road that may coincide with the morning peak would be likely to be very small.

36. Given these factors, I find that the proposal would not result in a significant increase in pedestrian or cycle movements on the northern part of Harpers Road, and particularly not during the morning peak when vehicle flows would be highest. Routes through the site could also offer a reasonable potential alternative to Harpers Road for existing pedestrians who may originate from locations to the south of the site to reach facilities to the north and in Ash. Furthermore, my attention has not been drawn to any destinations likely to attract additional pedestrian or cycle movements on the southern section of Harpers Road where vehicle flows are in any event generally lower.
37. I acknowledge the lack of footways to Harpers Road and that the carriageway is not wide enough to allow vehicles to pass in some places, including a particularly narrow point to the south of Pine Cottages and where it is narrowed by on-street parking between Guildford Road and Pine Cottages. Based on my observations however, the variable width of the carriageway helps to moderate speeds at the narrowest points, with speeds also lower on the approach to and exit from the junction with Guildford Road. At the narrowest points, vehicles may not be able to comfortably overtake a cyclist. However, the short time that it would be likely to take a cyclist to travel the distance between the site and Guildford Road would limit the number of vehicles that they would be likely to encounter as well as the likelihood of causing queues which could encourage risky overtaking. Visibility along the highway to the north of the site is also generally reasonable. Having regard to these factors and my assessment of vehicular traffic levels, I find that increased traffic flows would not pose an unacceptable risk to pedestrians, cyclists or other highway users.
38. Furthermore, while accident records show a few accidents at the junction of Harpers Road and Ash Green Road, the appellant highlighted that highway improvements are already planned here in connection with existing committed developments. I have not been provided with details of any accident records on the section of Harpers Road to the north of the site where the greatest proportion of traffic flows will be. The Council and interested parties refer to additional accidents which are not shown in current accident records, but full details are not before me and as the Orchard Farm Inspector found, there is no clear evidence of a record of personal injury accidents on Harpers Road. Records do show a cluster of accidents on Guildford Road near to the Harpers Road junction, but the evidence before me does not demonstrate that traffic using Harpers Road has been a contributory factor.

39. Taking all of the above factors into account, I find that the proposal would not result in additional conflict that would cause harm to pedestrian or highway safety on Harpers Road. I do not disagree with the Council's position that additional traffic on Harpers Road may at some point reach a level where there would be an unacceptable impact on highway safety, but from the evidence before me in this case, I consider that the proposal would not result in such a level being exceeded.

Conclusion on First Main Issue

40. Drawing matters together, I find that the proposed access routes and connections would be acceptable, and that neither the access design nor additional trips generated by the proposal would lead to a meaningful increase in the risk of conflict between users of Harpers Road.
41. Moreover, and notwithstanding pre application comments that they may have made including in relation to vehicle flows or visibility at the Guildford Road junction, the LHA has not objected to the proposal. The Council suggested that the LHA may not have considered cumulative effects of Streamside and Orchard Farm. However, there is little to substantiate this assertion. Furthermore, I have been provided with comments from the LHA on a revised application for 24 dwellings on the appeal site which were made after the Orchard Farm appeal decision and which also raise no objection on highways grounds. I give significant weight to the position of the LHA as the relevant statutory consultee, and from the evidence before me find no compelling reason to disagree with its views.
42. For these reasons, I conclude that there would not be unacceptable harm to pedestrian or highway safety. I find no conflict with Policy ID3 of the LPSS which includes requirements to maximise, insofar as site size, characteristics and location allow, provision of high quality, safe and direct walking and cycling routes and improvements to routes and for an integrated, accessible and safe transport system. Nor do I find conflict with Policy A31 of the LPSS which seeks suitable connections as part of road layouts or layouts within the allocation, or the SDF insofar as it seeks support for active travel. For the same reasons, the proposal would accord with the National Planning Policy Framework ('the Framework') which seeks the promotion of sustainable transport modes and safe and suitable access for all users.

Living Conditions

43. Given that appearance is a reserved matter, the positions of windows to the proposed dwellings are not currently fixed. However, I am satisfied that provision of suitable boundary treatment could prevent overlooking to the neighbouring Oakside Cottage from any ground-floor windows. In view of the separation distances and subject to appropriate fenestration detailing which could be secured at reserved matters stage, I also agree with the Council that the dwellings proposed on plots 2, 12 and 14 would not cause harmful overlooking or loss of privacy for occupiers of Oakside Cottage.
44. The dwelling on plot 13 would sit on the southern part of the site to the side of Oakside Cottage, albeit set back relative to this neighbour. Any windows to its side would face onto the side of Oakside Cottage and/or its rear garden. However, it is not certain that any first-floor side windows would necessarily be required, and I see no reason that a need for side windows to serve habitable

rooms would be likely. I would therefore expect any first-floor window that might be proposed to serve a non-habitable room. Such windows could reasonably be subject to a requirement for use of obscure-glazing and conditions on opening which I am satisfied would prevent actual overlooking of Oakside Cottage.

45. Shadows or outlines of people behind obscure glazing may be appreciable to occupiers of Oakside Cottage which could lead to a perception of overlooking. However, such effects would be likely to be relatively short in duration where rooms were non-habitable. Furthermore, some separation would be provided to the boundary, and noting that there would not be actual overlooking, I am satisfied that the potential perception of overlooking would not cause a meaningful loss of privacy for occupiers of Oakside Cottage.
46. Windows to the front and rear of the dwelling on plot 13 could be expected to serve habitable rooms. Those to the rear may have views of the rear part of the garden to Oakside Cottage, but this is not an unusual relationship and the space immediately to the rear of the dwelling would not be visible. I find as a result that any overlooking in this direction would not be harmful.
47. The front of plot 13 would be set back relative to four windows to the side of Oakside Cottage. The northernmost of these windows serve a bathroom and a utility room/toilet and include obscure glazing or opaque film. Potential views towards these windows from the front of plot 13 would also be at a very tight angle such that I am satisfied there would not be unacceptable overlooking or loss of privacy to these rooms.
48. The two other windows to the side of Oakside Cottage are clear-glazed and serve a bedroom and a family room. Views towards these windows could be possible from the front of plot 13, adversely affecting privacy for the rooms served. However, while the dwelling would sit around 9.1m from the side of Oakside Cottage, the distance to the clear-glazed side windows would be slightly greater. Views would also be at an oblique angle so that the windows would not fall within the main field of direct outlook. Noting the separation distance, relationship and view angle, only a small part of the rooms closest to the window would be likely to be visible and I consider that there would not be meaningful views of the whole of the interior of the rooms. Given these factors, I consider that effects on privacy would be modest and would not significantly undermine living conditions for occupiers of the rooms overall.
49. The appellant suggests that additional planting would be provided where appropriate to supplement existing vegetation along the boundary with Oakside Cottage. This could provide additional screening between plot 13 and Oakside Cottage further moderating potential overlooking, although as the Council highlights, vegetation can die or be removed and I do not therefore rely on it.
50. For these reasons, I find that there would be loss of privacy for occupiers of Oakside Cottage causing harm to their living conditions contrary to Policy D5 of the LPDMP insofar as it seeks to avoid unacceptable impacts on living environments in terms of privacy and overlooking. However, the effect would be restricted to two rooms within the dwelling, with privacy to the rest of the property not significantly affected. Moreover, the loss of privacy for the affected rooms would be modest and I conclude that the degree of harm caused to the overall living conditions for occupiers of Oakside Cottage would be very limited.

51. The Council confirmed at the Hearing that reference in the second reason for refusal to an additional provision within Policy D5 in respect of visual dominance and overbearing effects of a development was an error, although I note concerns which have been raised by an interested party.
52. The development would be visible from Oakside Cottage. However, the main outlook onto the appeal site from windows to the side of this dwelling would be towards access and turning areas with only oblique views of the dwellings on plots 12 and 13 and significant separation to dwellings beyond. Individual dwellings would also make up only a small part of views from Oakside Cottage's rear windows and garden and would be at some distance. While existing views for occupiers of Oakside Cottage would change, I am satisfied given these factors that the development would not give rise to harmful visual dominance or overbearing effects. Given the position and orientation of the proposed dwellings relative to the garden and windows to habitable rooms to Oakside Cottage and the separation that would be provided, I am further satisfied that the proposal would not cause harmful loss of light or overshadowing.

European Sites

53. The appeal site is located in the wider vicinity of the Thursley, Ash Pirbright and Chobham Special Area of Conservation ('SAC') and the Thames Basin Heaths Special Protection Area ('SPA') which are European Sites designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). In circumstances where a proposal is likely to have a significant effect on a European Site, the Habitats Regulations impose a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment ('AA'). This duty would now fall to me.

Thursley, Ash, Pirbright and Chobham SAC

54. The SAC is designated as it hosts qualifying habitats of depressions on peat substrates of the Rhynchosporion; European dry heaths; and Northern Atlantic wet heaths with *Erica tetralix*. The conservation objectives for the SAC seek broadly to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the favourable conservation status of its qualifying species by maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and the supporting processes on which these habitats rely.
55. The Council's report to Committee outlined that the development would not have a likely significant effect on the SAC, referring to the allocation of the site in the development plan and the supporting Habitat Regulation Assessment. Notwithstanding comment in updated ecological information relating to the revised application for 24 dwellings on the site, the appellant confirmed at the Hearing that it also considered there would be no likely significant effect on the SAC. I have no firm reason to take a different view, and I am satisfied having regard to the evidence before me that likely significant effects on the Thursley, Ash, Pirbright and Chobham SAC can be screened out.

Thames Basin Heaths SPA

56. The SPA is part of a complex of heathlands that support important breeding bird populations and is designated for the presence of Nightjar, Woodlark and

Dartford Warbler. The conservation objectives for the SPA seek broadly to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the extent, distribution, structure and function of the habitats of qualifying features; the supporting processes on which the habitats rely; and the population and distribution of the qualifying features.

57. The evidence before me outlines that the SPA is vulnerable to the effects of recreation, including damage and disturbance to sensitive species. The appeal site is located within 5km of the SPA which is the distance that surveys indicate most visitors to the SPA originate from within. As a result, occupiers of the dwellings could be additional visitors to the SPA, increasing recreational pressure. This pressure, particularly when taken in combination with other plans and projects, could harm the qualifying features of the SPA to the detriment of its conservation objectives.
58. In order to mitigate potential recreational effects of development, the s106 includes provision to secure an area of Suitable Alternative Natural Greenspace ('SANG') to displace recreational trips away from the SPA. The Council indicates that there are privately owned areas of SANG with adequate capacity to provide the level of mitigation required, and a suggested condition would also require provision of SANG before occupation of any dwelling.
59. The s106 additionally includes a financial contribution towards Strategic Access Management and Monitoring ('SAMM'). This would go towards monitoring of effects on the SPA and measures to manage these effects including information and education, guidance on access management, wardening and the promotion of alternative recreation sites.
60. The provision for SANG and SAMM would be in accordance with measures outlined in the Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 (updated 2021). The strategy has been endorsed by Natural England. Provided mitigation measures in accordance with the Strategy are appropriately secured, Natural England has also confirmed that it is content that the proposal would not result in adverse effects on the integrity of the SPA.
61. I consider that the intended mitigation would be properly secured by the s106 and a planning condition. I also consider having regard to the evidence before me that the mitigation identified would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The obligations in the s106 relevant to SANG and SAMM would accordingly meet the tests for obligations set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') which are also reflected within the Framework, and I have taken them into account.
62. Given that adequate mitigation for effects on the SPA would be appropriately secured, I find within the framework of an AA that the proposal would not adversely affect the integrity of the SPA, either alone or in combination with other plans and projects.

Conclusion on European Sites

63. For the reasons given above, I conclude that the proposal would not harm the integrity of any European Sites. Accordingly, there would be no conflict with the

Habitats Regulations, and the proposal would comply with Policy P5 of the LPSS and saved Policy NRM6 of the South East Plan 2009 which include requirements for adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Heaths SPA.

Planning Obligations

64. I have considered the obligations within the submitted s106 in light of the tests within the CIL Regulations, and having regard to the evidence before me. This evidence includes a CIL Compliance Statement provided by the Council which sets out the justification for seeking the obligations and their accordance with the tests within the CIL Regulations.
65. In addition to obligations relating to provision of SANG and SAMP which I have already considered, the s106 provides for 8 of the dwellings to be affordable in accordance with a specified tenure mix and stipulations applicable to the 'First Homes' component. These obligations would be necessary to address requirements at Policies H2 of the LPSS and H7 of the LDMP. They would also be directly related to the development proposed and fairly and reasonably related in scale and kind to it.
66. Obligations relating to provision of pedestrian and cycle paths and access over routes within the site would be necessary to meet requirements within Policy A31 of the LPSS for developments within the allocation to provide connections between developments and maximise accessibility. The requirements would also be directly related to the development proposed and fairly and reasonably related in scale and kind to it.
67. Further obligations would provide for financial contributions towards education, highways improvements, the ARB and off-site open space, and set out obligations on the Council including in respect of the use of contributions and repayment provisions. The CIL Compliance Statement and representations by SCC and the Council's Corporate Programmes Team offer further explanation and justification for the contributions sought, detailing why they are necessary as a result of the development and how they would be spent. I have no firm reason to find that these contributions would not be necessary, nor that the basis for the amounts of any of the contributions sought would be unsound. With regard to the evidence provided, I consider that all of these obligations would be required to address the impacts of the development, and I am satisfied that they would in each case be necessary to make the development acceptable in planning terms, directly related to the development proposed and fairly and reasonably related in scale and kind to it.
68. In light of the supporting information and evidence that is before me, I find that each of the obligations in the s106 would comply with the tests at Regulation 122(2) of the CIL Regulations which are reflected in the Framework and can be given weight. I have therefore taken them into account.
69. The Royal Surrey NHS Foundation Trust made representations on the proposal seeking a financial contribution towards acute health care services which is not part of the s106. The representations outline that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It advises that payments for the provision of health services are made under contracts based on the previous year's activity and do not account for increases in population due to new development. It therefore seeks a contribution to

mitigate the funding gap it asserts would be created by potential patients resulting from the first year of occupation of the development.

70. However, the representations indicate that the Trust is commissioned to provide acute healthcare services to the populations of a number of local authority areas, with the Royal Surrey Hospital forming the hub. Given the wide catchment served, at least some of the occupiers of the development, and probably many, could realistically be expected to reside within the Trust's area currently. Accordingly, they would already be reflected in funding arrangements and it is unclear to what extent the proposal would result in new population within the Trust's area so as to lead to additional demand for services which would not otherwise occur. From the information before me, I am not therefore satisfied that the requested contribution, which is based on expected population of the development as a whole, would be necessary, nor that it would be fairly and reasonably related in scale and kind to the development.
71. The requested contribution would not therefore meet the statutory tests set out in Regulation 122 of the CIL Regulations and I find no compelling evidence that the proposal would adversely affect the Trust's ability to provide services or the delivery of healthcare in the area in the absence of the contribution sought. That the s106 does not secure a contribution to acute health care services does not therefore weigh against the proposal.

Other Matters

Heritage Assets

72. There are a number of listed buildings in the vicinity of the site. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of these buildings.
73. The closest is the grade II listed York House on the opposite side of Harpers Road, a timber framed house which dates from the 16th century. Much of the significance of this building derives from its historic fabric and use of vernacular materials and techniques. However, it also draws some significance from its remaining rural setting which illustrates the building's historic position within surrounding open countryside. As part of this rural setting, the appeal site therefore contributes to the significance of York House.
74. The Ash Manor complex is located beyond the railway line to the south of the site. It includes the grade II* listed Ash Manor and Old Manor Cottage, a timber-framed moated manor house, together with the grade II listed 'Barn 75 yards to the south of Ash Manor House' and 'Oast House Stable 20 yards south of Ash Manor House' which are part of the former farmstead associated with the manor. These buildings derive significance from their architectural interest and historic and evidential value, as well as their relationships to one another as part of a group. The rural quality of the land around the complex has already been affected by the railway line and encroachment of development but still illustrates the historic agricultural surroundings and connection of the buildings to the land, thereby contributing to their significance. As part of the wider rural setting to the complex, I find that the appeal site does make some contribution to the significance of the listed buildings. That said, the separation and the severance that results from the railway means that this contribution is

limited, and it would be likely to be further reduced by development coming forward on intervening parcels at Orchard Farm and May and Juniper Cottages.

75. The additional built form on the appeal site would erode its rural quality which contributes to the significance of York House and the listed buildings at Ash Manor as part of their setting. The change would be clearly appreciable in the case of York House given its close proximity. However, the setting makes only a small contribution to the overall significance of the building, and the site is only part of that setting. As a result, I find that the harm to the significance of York House through development in its setting would be minor, and less than substantial in the terms of the Framework.
76. The effect on the Ash Manor complex listed buildings would be much less pronounced given the greater distance and intervening development including the railway which provide for physical and visual separation. Progress on bringing forward development on the Orchard Farm and May and Juniper Cottages sites would further moderate the effect. However, while I consider the effect to be marginal, there would be some loss of significance causing less than substantial harm to the significance of each of the listed buildings.
77. The Church of St Peter which is a grade II* listed building would historically have sat apart from Ash, but the connection to the rural landscape has already been significantly weakened by the encroachment of modern development. The ARB and development coming forward at Wildflower Meadow will further limit any relationship with the appeal site as part of its historic setting. In this context, I agree with the main parties that the proposal would not harm the significance of the Church of St Peter.
78. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal. The main parties agree that the public benefits of the proposal would outweigh the harm to the significance of the listed buildings. I return to consider this matter as part of the planning balance below.

Flood Risk and Drainage

79. At the time the Council determined the application, SCC as the Lead Local Flood Authority ('the LLFA') had indicated that it was not satisfied that the drainage scheme would meet requirements. The appellant subsequently provided additional drainage information as part of the revised application on the site which the LLFA has indicated it is satisfied with, and the main parties agree that the concern has been resolved. I have no firm reason to find differently and subject to conditions to require further details of the drainage scheme, I am satisfied that there would be suitable provision to manage surface water and flood risk as part of the development.

Additional Matters Raised in Representations

80. There would be a clear change to the character and appearance of the site which is currently predominantly open and undeveloped. However, this would be an inevitable outcome of development of the land which has been included as part of allocation A31, and indeed development on adjacent parcels. The development to the northern parcel of the site would be very low density with a significant landscaped setting. While the southern parcel would be higher

density with a more regular layout, this would not be dissimilar to the arrangement approved at Orchard Farm and the dwellings would have reasonably generous plots and scope for landscaping. I am satisfied that the proposal would sit comfortably within its surroundings and would provide a suitably sympathetic transition to land beyond the strategic allocation.

81. The majority of trees at the site are indicated to be retained and while landscaping is a reserved matter, the proposal indicates new planting as part of development which would be able to mitigate vegetation losses. Suggested conditions would require protection of retained trees and management of the central woodland belt to ensure their continued contribution to the character and appearance of the area.
82. I have found that traffic from the development would not cause unacceptable harm to highway safety, and the substantive evidence before me indicates sufficient capacity within the highway network to accommodate flows so that there would not be a significant increase in congestion.
83. Interested parties refer to existing pressure on local services and infrastructure. However, the proposal would make contributions through the s106 towards identified local infrastructure provision and there is no substantive evidence before me to demonstrate that it would place undue pressure on services. Nor that it would result in a requirement for additional capacity that could not be met.
84. Surrey Wildlife Trust has reviewed ecological information submitted by the appellant and has not objected to the proposal. Subject to conditions requiring mitigation and enhancement measures, I see no reason to disagree with the main parties that biodiversity including protected species would not be harmed by the proposal. I am also satisfied that the Ash to Brookwood Heaths Site of Special Scientific Interest would not be adversely affected.
85. In view of the residential nature of the proposal and its scale and relationship with nearby properties, I consider that the completed development would be unlikely to result in noise or disturbance that would cause meaningful harm to nearby occupiers' living conditions, or unacceptable security concerns. Subject to appropriate fenestration to dwellings as part of reserved matters submissions, I see no reason that there would be unacceptable overlooking or other harm to living conditions for occupiers of Wildflower Meadows. There would be potential for disturbance and disruption during the construction period including if off-site works are undertaken, as well as additional construction traffic. However, any effects would be short-term, and could be mitigated by careful construction management with details secured by a planning condition.
86. I have taken into account the representations made by interested parties, but I am satisfied that none of the other matters raised would result in a level of harm that would justify dismissal of the appeal, either individually or collectively, and they do not alter my findings on the main issues.

Benefits of the Proposal

87. The proposal would provide a net gain of 21 dwellings on part of a site allocated in the development plan for residential development. There is no dispute between the parties that the Council is able to demonstrate a 5 year supply of housing and has exceeded targets for delivery, but the Framework

includes an imperative to significantly boost the supply of housing which does not cease in circumstances where the supply position exceeds 5 years. I consider the delivery of housing on part of the allocated site to be an important benefit of the proposal that would attract significant weight.

88. The scheme also includes provision of 8 affordable dwellings on the site with a mix of tenures in accordance with policy requirements. Notwithstanding that such provision is an expectation of the development plan, the contribution towards identified needs for affordable housing is a notable benefit of the proposal which carries significant weight.
89. There would be economic and social benefits associated with the proposal including construction spend and employment as well as expenditure and support for local services by future occupiers. I give these benefits moderate weight noting that they would be fairly limited on account of the scale of the development and that employment opportunities would further be largely temporary during construction.
90. There would be new landscaping on the site as well as a biodiversity net gain of at least 10%. The proposal also includes ecological enhancement measures. Consistent with the main parties' positions in the Statement of Common Ground, I give these benefits moderate weight.
91. Through the s106, there would be financial contributions towards provision of education and other infrastructure including the ARB. However, these contributions would be necessary to mitigate the effects of the development proposed. Insofar as they could support improvements that would be available to the existing and future community locally, there would be some benefit, but I consider this would be minor and carries limited weight.

Planning Balance

Heritage Balance

92. The Framework outlines that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. It further sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
93. I have found that the proposal would cause less than substantial harm to the significance of York House, Ash Manor and Old Manor Cottage, the Barn at Ash Manor and the Oast House Stable at Ash Manor listed buildings through development within their setting. The harm in each case attracts considerable importance and weight, with greater weight attached to the harm to Ash Manor and Old Manor Cottage attracts greater weight given it is a grade II* building.
94. However, the scale of harm to the significance of each of the designated heritage assets would be minor, and very limited in the case of the Ash Manor Complex buildings. Set against this harm, I give significant weight to the delivery of housing and affordable housing, moderate weight to the economic and social benefits of the proposal, moderate weight to the biodiversity net gain and ecological enhancements and limited weight to contributions towards infrastructure provision, all of which are public benefits.

95. Even giving considerable importance and weight to each instance of harm including greater weight to the harm to Ash Manor and Old Manor Cottage, I consider that the harm to the listed buildings would in each case be clearly outweighed by the combined benefits of the scheme.
96. I therefore concur with the main parties that effects of the proposal on heritage assets would be acceptable in light of the Framework.

Overall Balance

97. I have found that the proposal would not cause unacceptable harm to pedestrian or highway safety and that while there would be harm to heritage assets, this would be clearly outweighed by the public benefits of the proposal.
98. There would be a loss of privacy for occupiers of Oakside Cottage causing harm to their living conditions resulting in conflict with Policy D5 of the LPDMP. I have no firm reason to consider the relevant provisions of Policy D5 to be inconsistent with the Framework which includes a requirement for a high standard of amenity, or to reduce the weight that I afford to the conflict with this policy. However, the effect on privacy for occupiers of Oakside Cottage would be modest and I have found that the harm to overall living conditions offered by the dwelling would be very limited.
99. In my judgement, the weight to be given to the cumulative benefits of the development identified above would significantly outweigh the adverse effects of the proposal and the conflict with LDMP Policy D5. Accordingly, I conclude that there are material considerations which indicate that planning permission should in this case be granted despite the conflict with the development plan.

Conditions

100. I have considered suggested conditions in light of the discussion and amendments proposed at the Hearing, and against the tests set out in the Framework. Where necessary, I have made minor amendments for clarity, brevity, to save duplication or to ensure compliance with the relevant tests, including to omit unnecessary prescription of details that would be a matter for the Council to consider as part of the assessment of submissions.
101. I have attached standard conditions relating to the submission of reserved matters and the time limits associated with this (1, 2, 3). I have also included conditions specifying the relevant plans (4) for the avoidance of doubt and in the interests of certainty.
102. Condition 5 is necessary to safeguard neighbouring living conditions and the environment. However, some of the requirements in the originally suggested condition would now be covered by Condition 6 which is also necessary in the interests of the living conditions of nearby occupiers as well as the ecology and biodiversity value of the site. Conditions 7, 8, 19 and 22 are necessary in the interests of protected species and biodiversity although I have updated the references in suggested condition 22 to documents submitted with and forming part of the appeal proposal, rather than those relating to the revised application for the 24 dwelling scheme.
103. Condition 9 is necessary in the interests of the living conditions of nearby occupiers and highway safety. However, I am not persuaded that a requirement for before and after surveys of the highway and a commitment to

fund the repair of any damage caused would be necessary or comply with guidance on conditions in the Planning Practice Guidance and I have omitted it. Condition 10 is necessary to safeguard heritage assets of archaeological interest while condition 11 is necessary in the interests of the integrity of the Thames Basin Heaths SPA.

104. Conditions 12, 13, 16 and 17 are necessary in the interests of highway safety. In respect of condition 16, I consider it necessary to restrict occupation of the dwellings until the ARB is actually in place (rather than until a specified date as proposed by the appellant) given that my findings on the first main issue were reached on the basis of levels of traffic with the ARB operational. Condition 14 which was suggested during the Hearing is necessary to ensure adequate linkages and accessibility for occupiers of the site. Conditions 15 and 18 are necessary to ensure suitable provision for drainage and that flood risk would not be increased, while conditions 20 and 21 are necessary in the interests of biodiversity and the character and appearance of the area.

Conclusion

105. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 1 year from the date of this permission.
- 3) The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Unless otherwise amended by the conditions above or below, the development hereby permitted shall be carried out in accordance with the following approved drawings: 6502-LOC1 Rev A (Location Plan); 6502-BLOC Rev C (Proposed Block Plan); 6502-SK002 Rev F (Proposed Site Plan Streamside Option 3); 6502-SK003 Rev C (Proposed Walking and Cycling Plan Streamside Option 3); 22055/001 Rev C (Proposed Access Arrangements); 231684/TR/01 (Vehicle Swept Path Assessment Refuse Lorry) and 231684/TR/02 (Vehicle Swept Path Assessment Fire Appliance).
- 5) No development shall commence, including any works of demolition, until a site waste management plan and demolition strategy of the existing building as identified in the Outline Building Survey (dwg. 4924/02) and the removal of foundations and hard standing including details of the disposal of any waste off site and receptor sites has been submitted to and approved in writing by the Local Planning Authority. Demolition materials and debris that are not to be reused in the construction of the development hereby

permitted shall be removed from the site in accordance with the approved strategy.

- 6) No development shall commence, including any works of demolition, nor any clearance of vegetation, until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- i) a programme of works (to address habitat requirements and risks to ecological features);
 - ii) a programme for the installation of bat and bird boxes (to enable relocation);
 - iii) measures to control the emission of dust and dirt during construction;
 - iv) the storage of plant, machinery, materials, chemicals and fuel;
 - v) measures to control the emission of noise during construction;
 - vi) a soil management plan, including proposals for stripping and storing soil for re-use on site;
 - vii) external lighting to be used during construction and measures to limit the disturbance from any such lighting;
 - viii) a construction phase drainage strategy to intercept and attenuate surface water run-off; and
 - ix) the use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented and development shall be undertaken in accordance with the approved details throughout the construction period.

- 7) No development shall commence, including any works of demolition, until a Bat Method Statement and Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 8) No development shall commence until a Badger Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:
- i) an updated badger field sign and sett survey by a suitably qualified and experienced ecologist;
 - ii) a minimum of 21 days camera monitoring at any badger sett, or potential badger sett recorded, to assess the type and activity at the sett by a suitably qualified and experienced ecologist;
 - iii) an updated badger sett and habitat impact assessment and mitigation strategy. The habitat impact assessment should include an assessment on foraging and commuting habitats; and
 - iv) a timetable for the implementation of any works/mitigation proposed.

The development shall be carried out in full accordance with the approved details.

- 9) No development shall commence until a Construction Transport Management Plan ('CTMP') has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- i) parking for vehicles of site personnel, operatives and visitors;
- ii) loading, unloading and storage of plant and materials;
- iii) a programme of works (including measures for traffic management);
- iv) provision of boundary hoarding behind any visibility zones;
- v) Heavy Goods Vehicle deliveries and hours of operation;
- vi) vehicle routing;
- vii) measures to prevent the deposit of materials on the highway;
- viii) on-site turning for construction vehicles.

The approved CTMP shall be implemented and development shall be undertaken in accordance with the approved details throughout the construction period.

- 10) No development shall commence until a programme of archaeological work has been carried out in accordance with a Written Scheme of Investigation which has first been submitted to and approved in writing by the Local Planning Authority.
- 11) No development above damp proof course level (excluding any demolition and site clearance works) shall take place until details of Suitable Alternative Natural Green Space ('SANG') that has been secured to mitigate the impact of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the SANG has been provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- 12) No development above damp proof course level (excluding any demolition and site clearance works) shall take place until detailed drawings, including levels, sections and construction details of the proposed estate roads, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 13) No development above damp proof course level (excluding any demolition and site clearance works) shall take place until a vehicle parking plan has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until vehicle parking to serve that dwelling has been provided in accordance with the agreed details and the parking shall thereafter be kept available at all times for the parking of vehicles.
- 14) No development above damp proof course level (excluding any demolition and site clearance works) shall take place until a scheme, including a timetable, for the provision of pedestrian and cycle links has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 15) No development above damp proof course level (excluding any demolition and site clearance works) shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;

- ii) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off;
- iii) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level, and half-drain times;
- iv) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk;
- v) details of drainage management responsibilities and maintenance regimes for the drainage system; and
- vi) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried out in accordance with the approved details.

- 16) No dwelling shall be occupied until the Ash Road Bridge (as approved through planning application ref 19/P/01460, or any subsequent amendment) has been completed and is open to public traffic.
- 17) No dwelling shall be occupied until the vehicular accesses to Harpers Road hereby approved have been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 22055-001 Rev C, and the visibility zones shall thereafter be kept permanently clear of any obstruction over 0.6m high.
- 18) No dwelling shall be occupied until a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the Local Planning Authority. This report shall demonstrate that the surface water drainage system has been constructed in accordance with the details agreed pursuant to condition 15 (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.
- 19) No dwelling shall be occupied until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how lighting on the site has been designed to minimise any potential impacts on bat foraging and commuting and if appropriate, shall include a timetable for the phased implementation of the scheme. The approved scheme shall be implemented before the first occupation of the development and thereafter retained.

- 20) The development hereby approved shall be carried out in full accordance with the Arboricultural Method Statement ('AMS') and Tree Protection Plan ('TPP'), (Merewood Arboricultural Consultancy Services, May 2022). 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.
- 21) No dwelling shall be occupied until the measures identified in the Woodland Management Proposals document (Merewood Arboricultural Consultancy Services, December 2017) have been implemented.
- 22) The development hereby approved shall be carried out in full accordance with the mitigation measures set out in the Ecological Impact Assessment (EPR, May 2022), the Biodiversity Management and Enhancement Strategy (EPR, May 2022), the Protected Species Report (EPR, May 2023) and EPR letter dated 9 May 2023.

APPEARANCES

FOR THE APPELLANT:

Steven Brown	Woolf Bond Planning
Laurence Moore	Woolf Bond Planning
Jon Williams	Steer
Andrew Kamm	Bourne Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

John Busher	Guildford Borough Council
Chris Blamey	RGP
Louise Blaxall	Guildford Borough Council, Design and Conservation
Angela Watson	Guildford Borough Council, Legal
Paul Kelly	for Guildford Borough Council, ARB Project

INTERESTED PARTIES:

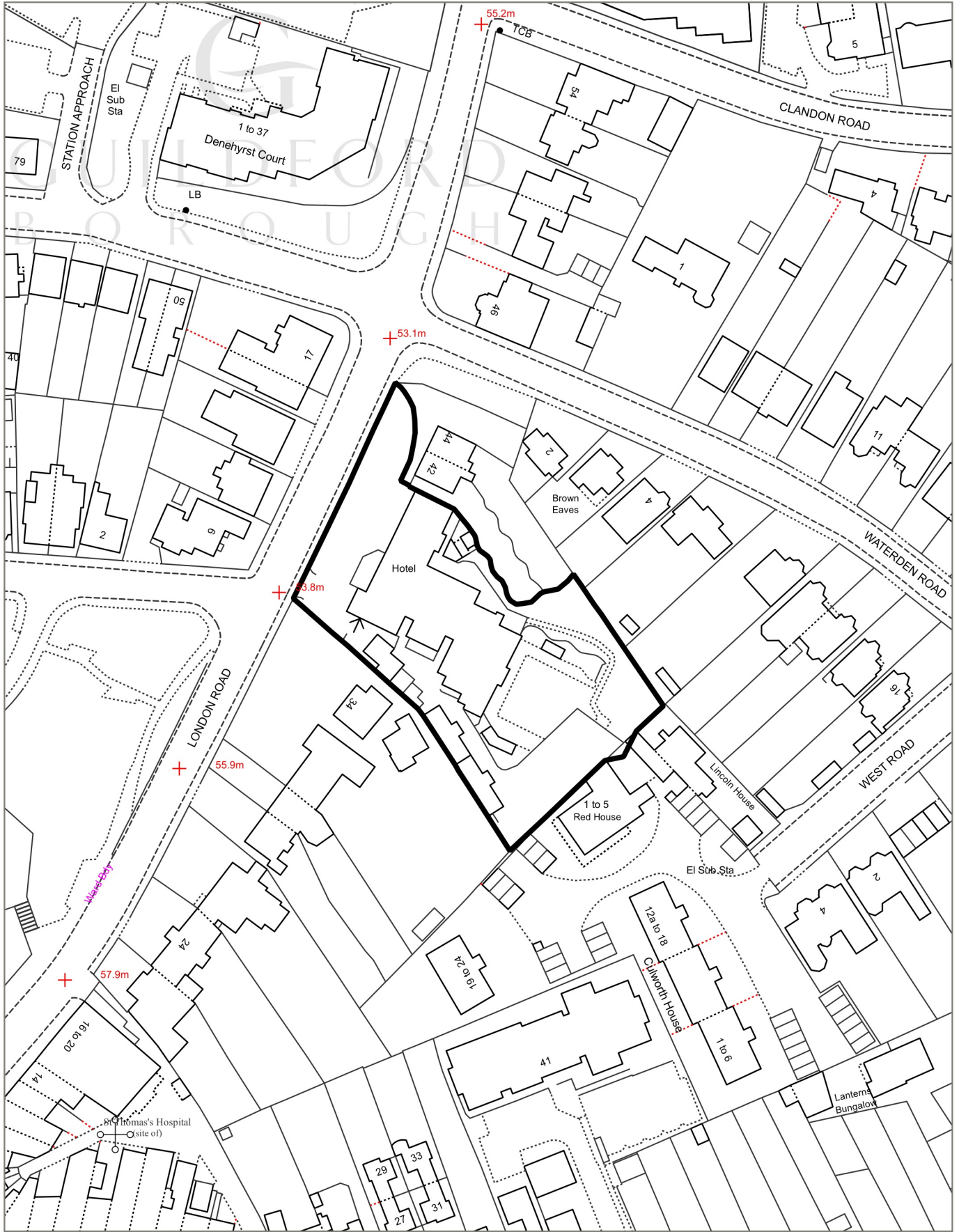
Rahim Vellani	Local resident
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DOCUMENTS SUBMITTED AT HEARING

- HD1 Updated Version of Appendix B to Highways Appeal Statement. Submitted by the Council.
- HD2 Note on Harpers Road Traffic Flows. Submitted by the Council.
- HD3 Note on Harpers Road Traffic Flows. Submitted by the appellant.
- HD4 Extract from Ash Road Bridge Transport Assessment. Submitted by the Council.
- HD5 Agreed Updates to Suggested Conditions.

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23/P/02045 - Mandolay Hotel, 36-40 London Road, Guildford



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Print Date: 02/04/2024



23/P/02045 – Mandolay Hotel, 36-40 London Road, Guildford, GU1 2AF



Not to scale

App No: 23/P/02045 **8 Wk** 26/04/2024
Deadline:

Appn Type: Full Application
Case Officer: Carolyn Preskett

Parish: Castle	Ward: Castle
Agent : Mr Butcher	Applicant: Mr Hay
Union 4 Planning	Mandolay Hotel
18 Farnham Road	36-40 London Road
Guildford	Guildford
GU1 2AE	GU1 2AE

Location: Mandolay Hotel, 36-40 London Road, Guildford, GU1 2AF
Proposal: Two storey rear extension to coach house and two storey rear extension to hotel, with rooms in the roof

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 proposed development is for a further extension to the Mandolay Hotel which is situated within Guildford Town Centre and the Waterden Road Conservation Area.

Planning permission was granted in 2015 for a similar extension to the Hotel. This permission was lawfully implemented and therefore the site has extant permission. The proposed extension would provide an additional 27 bedrooms to the hotel taking the total number of rooms to 101 bedrooms. The extant permission was for 22 bedrooms.

The proposed extension would be approximately 3 metres greater in depth than the extant 2015 permission. The height and width would be the same as the 2015

extant permission.

Summary of considerations and constraints

It is considered that the increased depth of the proposed development over the extant 2015 permission, including the addition to the coach house, could be accommodated on the site in a satisfactory manner that would retain the spacious feel of the site. The proposal would retain the spacious character of the Conservation Area and therefore would preserve the character or appearance of the Waterden Road Conservation Area.

. In addition, the extensions would integrate well with the existing hotel and would not result in any material harm to the amenity of surrounding residents.

The proposals would provide additional hotel accommodation within the Town Centre.

No harm has been identified as a result of the proposed extensions and the economic benefits of the scheme add modest weight in favour of the development. As such, it is considered that the proposal is compliant with the LPSS 2019 and LPDMP 2023 and the NPPF 2023.

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: R34/001B;

R34/003B; R34/004 B; R34/005B; R34/006B; R34/007B; and R34/008B received on 7 December 2023, and R34/002C received on 19 December 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 until details and samples of the proposed external facing and roofing materials and rainwater goods 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. These details are required before works begin as this issue goes to the heart of the permission.

4. The development hereby approved shall not commence until detailed drawings and/or samples of all new external windows, doors and dormer windows (providing details of depth of reveal, method of opening, details of heads, cills and lintels etc) have been submitted to and approved in writing by the local planning authority. The submitted details be at a scale of not less than 1:20 for sample elevations and not less than 1:2 for horizontal/vertical frame sections (including sections through glazing bars). The works shall only be carried out in accordance with the approved details.

Reason: In the interest of the character and appearance of the conservation area and to ensure that the external appearance of the building is satisfactory. These details are required before works begin as this issue goes to the heart of the permission.

5. The second-floor windows within the roof in the north eastern elevation southern elevation of the development (facing properties in Waterden Road) hereby approved shall be glazed

with obscure glass and of restricted opening, as set out on drawing R34/006B (proposed elevations). These details shall be retained as such in perpetuity.

Reason: In the interests of residential amenity and privacy.

6. The development shall be carried out in accordance with the details within the submitted Climate Change and Sustainable Development Questionnaire. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

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

7. 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

8. The proposed additional bedrooms shall not be brought into first use unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

9. The proposed additional bedrooms shall not be brought into first use unless and until at least 2 of the parking spaces 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), with 3 other parking spaces provided with cabling for the future provision of charging points. To be 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: The above condition is required 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.

10. The proposed additional bedrooms shall not be brought into first use unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer 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: The above condition is required 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.

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

(a) parking for vehicles of site personnel, operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) measures to prevent the deposit of materials on the highway

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

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

Informatives:

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

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

3. 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) 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.
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. 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 Mandalay Hotel is located on the eastern side of London Road, close to its junction with Waterden Road. It is within Guildford town centre and is a large and prominent building, constructed over three storeys. The site is also located within the Waterden Road Conservation Area.

The hotel itself comprises of a number of connected and detached buildings which extend approximately 35 metres into the site. There is a limited number of car parking spaces to the front and rear of the hotel, both parking areas are accessed from the only entry point from London Road.

The surrounding area is mixed use in character. There are a number of residential properties neighbouring the site to the south-east and north-east, as well as offices, commercial premises (such as dentists) and residential flats. G-Live is located in close proximity to the site, on the opposite side of London Road.

Proposal.

The application proposes the erection of a two-storey rear extension to the coach house to provide 2 additional bedrooms and a two-storey rear extension to hotel, with rooms in the roof to provide 25 additional bedrooms.

The hotel extension is in the same location and site position as the extant permission to the main hotel which is currently not built. The Coach House extension adjoins the approved and constructed element of the extant permission.

The majority of the main extension is proposed over the existing hard surfaced area the rear of the building. The Coach House extension is on to an existing hard surfaced area.

Relevant planning history.

The site has an extensive planning history, and the most relevant applications are noted below. The remainder can be viewed on the file.

16/P/01294 - Variation of condition 2 (approved plans) of planning permission 15/P/01381, approved 16/10/2015, to allow the insertion of two additional dormer windows. Approved with conditions.

15/P/01381 - Two storey rear extension to existing coach house together with a two-storey rear extension, with rooms in the roof, to the existing hotel. Approved with conditions.

14/P/02118 - Two storey rear extension to existing coach house together with a single storey rear extension to the existing hotel. Refused for the following reason:

1. By virtue of the additional spread of development across the site, over current open areas, the resulting amount of built form in relation to the size of the site would be out of character with the spacious, open feel of this part of Waterden Road Conservation Area. In addition, by virtue of the significant depth of the extension it would be out of keeping with the scale and proportions of the existing building and the overall design, which includes an odd roof arrangement, would represent a discordant and incongruous addition. Therefore, the proposal would result in harm to the character and appearance of the conservation area and the existing building, contrary to policy HE7 and G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/08) and the National Planning Policy Framework.

13/P/01374 - Erection of a two-storey extension with additional accommodation in the roof to provide 25 bedrooms. Refused.

11/P/01834 - Part single, two and three storey rear / side extension to provide an additional 33 bedrooms. Refused and subsequent appeal dismissed by the Planning Inspectorate.

Consultations.

Statutory consultees

County Highway Authority: Recommend conditions.

Thames Water: No comments received.

Internal consultees

Head of Environmental Health and Licensing: No objection but recommend condition relating to noise.

Third party comments:

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

- overdevelopment of the site
- out of keeping with Waterden Road Conservation Area
- noise pollution from air conditioning units that have been installed since the last planning application.
- overlooking
- proposals would encroach on last remaining open space on the site.
- impact on historical and environmental aspects of the site.
- the address of the site does not mention The Mandolay Hotel
- disproportionate land to building ratio.
- overbearing
- adverse effect on neighbouring amenity
- noise and light pollution
- fails to enhance or preserve the character of the Waterden Road Conservation Area
- increased traffic
- proposals are three storeys and not two storeys.
- loss of privacy
- previous plans refused several times.

- access very narrow and there is no useable access to the rear of the hotel.
- concern over damage to crinkle/crankle walls
- concern over construction disruption and how lorries would get into the rear of the site.
- loss of trees
- concern for pedestrian safety through extra traffic

Planning policies.

National Planning Policy Framework 2023 (NPPF):

Chapter 2: Achieving Sustainable Development

Chapter 5: Building a Strong Competitive Economy

Chapter 7: Ensuring the Vitality of Town Centres

Chapter 9: Promoting Sustainable Transport

Chapter 11: Making Effective use of land

Chapter 12: Achieving Well Designed Places

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

Chapter 15 Conserving and enhancing the natural environment

Chapter 16: Conserving and Enhancing the Historic Environment

Guildford Borough Local Plan: strategy and sites 2015-2034 (April 2019)

- S1 Presumption in favour of sustainable development
- S2 Planning for the borough – our spatial development strategy
- S3 Delivery of development and regeneration within Guildford Town Centre
- P4 Flooding, flood risk and groundwater protection zones
- De Place shaping
- D2 Sustainable design, construction and energy
- D3 Historic environment
- E6 The leisure and visitor experience
- E7 Retail and leisure uses in Guildford Town Centre
- E8 District Centres
- E9 Local Centres and isolated retail units
- ID1 Infrastructure and delivery
- ID3 Sustainable transport for new developments
- ID4 Green and blue infrastructure

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 P9 Air Quality and Air Quality Management Areas
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 D7: Public Realm
Policy D11: Noise Impacts
Policy D14: Sustainable and Low Impact Development
Policy D15: Climate Change Adaptation
Policy D16: Carbon Emissions from buildings
Policy D18: Designated Heritage Assets
Policy D20 Conservation Area
Policy ID10 Parking Standards

Supplementary planning documents:

National Design Guide (NDG), 2021.

Climate change, sustainable design, construction and energy, 2020.

Parking Standards for New Development 2023

Background

As noted above, there have been several attempts to secure planning permission for an extension to the hotel. In 2011, the Council's refusal of application 11/P/01834 was appealed and dismissed by the Planning Inspectorate. In the appeal decision, the Inspector noted that the proposal was substantial in size and would have an unduly complicated appearance which would have an incongruous relationship with the existing extensions. The Inspector added that the expanse of flat roof would be out of keeping with the area's predominantly pitched roofs. It was also noted that the proposed extension would occupy much of the space to the rear of the hotel, which is currently open, albeit comprising in part the low-lying roof over the conference centre. Only relatively small grassed or planted areas would remain to the north-east, with car parking to the south-east. The

resulting amount of built form in relation to the size of the site would be out of character with its relatively spacious surroundings. The Inspector concluded that the proposal would fail to preserve or enhance the character or appearance of the conservation area.

In terms of amenity impacts, the Inspector noted that the buildings along Waterden Road were sufficiently far from the boundary that there would be no loss of privacy. It was acknowledged that some of the gardens would be overlooked, but the shorter distances to the extension coincide with the lesser building height and more substantial existing planting. In these circumstances it was noted that the privacy enjoyed within the Waterden Road gardens would be acceptable. However, with regard to Red House, the Inspector found that the proposal would result in a significant and unacceptable loss of privacy within the Red House. In terms of the outlook from the Red House, the Inspector noted that, taking into account the stepping back of the upper floors, the proposed building would not be so close and tall that it would have an unduly claustrophobic or overbearing impact on the outlook from the Red House.

In conclusion, the Inspector noted that the proposal was a means of enhancing the hotel and bringing greater prosperity to the town. However, the Inspector went on to note that while the NPPF stresses that significant weight should be placed on the need to support economic growth, it also points out that planning should always seek to secure high quality design and a good standard of amenity.

Significant amendments were made following the appeal decision and subsequently planning permission was granted for a substantial extension to the hotel under planning reference 15/P/01381.

This application is similar to that approved under planning reference 15/P/01381. The proposed scheme would have the same width and height but would be 2.73 metres greater in depth at its maximum height with the stairwell element being set down with a flat roof and slightly deeper than previously proposed. Planning application 15/P/01381 has been lawfully implemented and therefore forms a fallback position for the assessment of this current application.

The main planning considerations relate to:

- the principle of development

- the economic benefits
- the impact on the conservation area
- the impact on the amenity of neighbouring properties
- the impact on highway safety and parking demand
- the impact on trees

The principle of development

The proposal is located within Guildford town centre and is for a main town centre use. Therefore, the principle of extending the hotel is deemed to be acceptable. Significant weight must be given to the development that has planning permission and could be implemented.

However, this is subject to compliance with the relevant policies of the LPSS 2019, the LPDMP 2023 and the NPPF 2023 including those relating to the conservation area, design and amenity. The proposal will be assessed against these policies below.

The economic benefits

Paragraph 85 of the NPPF states:

"Planning policies and decisions should help and create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its own strengths, counter any weaknesses and address the challenges of the future."

Paragraph 86 states that 'planning policies should set out a clear economic strategy which positively and proactively encourages sustainable economic growth ... '

In the consideration of the 2015 application, the Council's Marketing and Tourism Development Manager stated that there was a huge shortfall of hotel accommodation in Guildford, with potential to increase capacity. It was noted that a continued shortfall of hotel bedrooms would leave the town at a disadvantage, as it would not be able to accommodate large events or cater for other visitors or those coming to the town for businesses purposes. The applicant noted that

increased capacity for the Mandolay Hotel was vital for it to survive as a business and to compete with other hotels which have better economies of scale.

The applicant points to the continued increasing need for additional hotel accommodation within Guildford and Surrey as a whole, in the supporting documentation to this current application.

The Mandolay Hotel has spacious conference facilities and the additional bedrooms which would take the total number of rooms to over 100 would allow the hotel to attract additional clients and help its long-term viability. The proposal would increase the number of hotel bedrooms in the town. The additional bedrooms would help to secure the continued operation of the hotel and its sustainable growth. As set out in the NPPF, supporting economic growth should be given significant weight in the balance.

The impact of the proposal on the conservation area and existing building

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.

One of the core principles of the NPPF is that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF at paragraph 201 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.

Paragraphs 205-208 of the NPPF sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in the paragraphs below.

In this instance, the proposed development would have an affect on the Waterden Road Conservation Area. The Inspector for the 2011 appeal noted that from the roads there can appear to be a tight urban grain in the area, but many of the back

gardens are lengthy. The open parts of the Mandolay Hotel site (including a sedum roof above an underground conference centre) contribute to a feeling of spaciousness. It is this feeling of spaciousness, despite being in Guildford town centre, which is a fundamental part of the significance of the conservation area.

The proposed extension would project from the rear elevation of the existing hotel by 19.9 metres, an increase of 2.73 metres over the 2015 extant permission which would leave a gap of approximately 11 metres to the southern boundary of the site. As with the extant permission, the development would not fill the entire depth of the existing sedum roof of the below ground conference centre, leaving a three-metre buffer to the south of the extended building excluding the staircase element unlike the originally submitted applications that were refused/dismissed. To the side, a gap of between approximately 7 and 17 metres would be provided to the rear boundaries of the Waterden Road properties to the east. In all, a buffer of either the existing sedum roof or boundary landscaping would be retained around the proposed extension. Given the depth of the extension, and its width, the proposal would not result in an overly cramped form of development and would retain the spaciousness of this part of the conservation area and would result in a development of a similar scale and form to the extant permission.

The addition to the coach house would be a relatively modest extension to the built form on the site and as it is located tight to the western boundary, it would not have any harmful impact on reducing the spaciousness or open feel of the rear of the property.

In terms of the appearance of the extension to the main hotel, it is noted that it would be a similar design to the previous extensions to the hotel and would display a similar pattern of fenestration, dormer window design and eaves height. As such, with a condition to control the external materials, the extension would integrate with the existing hotel building in an acceptable manner. The coach house extension would replicate the existing building and would be acceptable in this regard.

In all, it is considered that the proposed development would be of a similar form to the extant permission. The Council's Conservation Officer raises no objection to the proposal, and it is considered that the development would preserve the character and appearance of the Conservation Area. . Having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 permission should be

granted, in this regard.

The impact on the amenity of neighbouring properties

While the surrounding area is mixed use in character, there are a number of private residential dwellings and flats within close proximity to the site. These include dwellings addressed to Waterden Road to the east and residential flats off West Road to the south of the hotel.

The houses on Waterden Road share their rear boundaries with the Mandolay Hotel. The dwellings have modest rear gardens and the boundary treatment between them, and the hotel consists of planting of trees and other shrubs, which currently allows for limited views between the sites. The eastern elevation of the proposed extension, facing Waterden Road would contain a total of five first floor windows and five dormer windows in the roof. The dormer windows would be obscure glazed. The side windows would be between 7 and 17 metres from the rear boundaries of these properties and given the screening, there would be no material loss of privacy to the residents of these buildings. On this point, it is noted that the position of windows relative to the Waterden Road properties is very similar to the appeal proposal and the extant 2015 permission. The Inspector noted that 'the buildings themselves along Waterden Road are sufficiently far from the boundary that there would be no losses of privacy (real or perceived) within them...In these circumstances, the amounts of privacy enjoyed within the Waterden Road gardens would be acceptable as they would not differ materially from those typically found within built-up areas'.

The distance of separation would also be sufficient to ensure that the proposal would not result in any adverse overbearing impact or loss of light to the residents of the Waterden Road.

The Red House and Lincoln House (in West Road) are also residences to the south of the site which are built on the common boundary and include a number of windows which directly face the Mandolay Hotel. The gaps to the Red House and to Lincoln House would remain sufficient to ensure that there would be no adverse overbearing or loss of light impacts. The southern elevation of the extension does not contain windows unlike the extant permission. Given the distance of separation, there would be no loss of privacy to the residents of The Red House or Lincoln House as a result.

The proposed coach house extension would be along the common side boundary with 34 London Road, which is understood to be in use as an office. While the proposal more than doubles the depth of the coach house along this side boundary, given that number 34 is not in residential use, the additional overbearing impact caused by the proposal would not be so serious as to result in any harmful loss of amenity.

For the reasons noted above, the proposal is deemed to be compliant with Policy D5 of the LPSS 2019.

It should be noted that some residents raise concerns about how access to the site would be gained by construction vehicles and previous problems which were experienced during the construction of the lower ground conference centre. It is acknowledged that access to the rear of the site is constrained by the width of the road, however, the use of smaller vehicles should allow for the transportation of construction equipment to the rear of the site from London Road. This application does not include any plans to construct a new access to the rear of the site from either London Road or Waterden Road.

The impact on highway safety and parking demand

The development would increase the number of bedrooms in the hotel by 27 (25 rooms in the main hotel and 2 rooms in the coach house) compared to the 22 additional rooms previously approved under planning reference 15/P/01381, and to a total of 101 bedrooms. The number of on-site car parking spaces would be reduced from the existing 44 spaces to 40 spaces.

The proposed development has been considered by the County Highway Authority who have assessed the application on safety, capacity and policy grounds. The proposed development would provide an additional 5 bedrooms when compared to the previously approved scheme (15/P/01381). The proposed development would utilise the existing vehicular access. The hotel is well located in close proximity to the town centre, bus station and both railway stations. It is also an easy walking distance from a number of public car parks and on-street parking in the area is subject to restrictions.

The County Highway Authority have raised no objection subject to the imposition

of conditions relating to the parking layout, electric vehicle charging points, secure and covered parking for bicycle storage and charging for e bikes and a Construction Transport Management Plan. As such, suitable conditions are recommended.

Given the sustainable location of the site and the SPD requirements for such properties, together with the fact that no objections have been raised by the County Highway Authority, the level of on-site parking is deemed to be sufficient in this instance.

The impact on trees

The Council's Arboricultural Officer has reviewed the submitted plans and arboricultural report written by Green Earth Arboricultural and Environmental Consultancy dated 1 November 2023. The Council's Arboricultural Officer raises no objection to the development proposals subject to the imposition of a suitably worded condition to ensure all works are carried out in accordance with the submitted arboricultural report and plan.

Biodiversity

Having reviewed the site and considered standing advice from Natural England it is not considered that it is necessary for detailed survey information with regards to protected species be provided. The proposed extension is located within a well-established and already significantly developed site. The proposals would include the retention of the existing landscaped gardens. There would be no evident impacts in respect of biodiversity.

No biodiversity net gain has been proposed within this planning application. It would be appropriate for the scheme, by way of planning condition attached to any permission, to pursue ecological enhancements. This may be achieved, commensurate with the scale of development, by way of various minor measures including the provision of bat/bird boxes or tiles for example. A condition would be attached to any planning permission to secure relevant measures.

Sustainability

The application is accompanied by a Climate Change and Sustainable Development Questionnaire.

Policy D2 requires non-major developments to submit “adequate information” about how the development complies with the energy requirements of policy D2 and “information proportionate to the size of the development” regarding other matters of sustainability. These requirements for information will be deemed to have been met if a correctly completed questionnaire is submitted.

The application is accompanied by an energy and sustainability statement which demonstrates how sustainability will be factored into the construction and operational phases of the development. The applicant within the questionnaire has made the following commitments:

- wherever possible recycled fill materials would be sourced from a local company
- second hand materials used where possible
- hardcore materials would be crushed and used in sub-structure
- unused waste material would be reused/recycled by a local firm
- minimise non material waste
- locally sourced materials
- FSC Timber
- LED Lighting throughout
- overall u value greater than required by building regulations
- windows designed to minimise heat loss
- maximum gain of natural light
- air source heat pumps proposed
- water efficiency incorporated within scheme
- permeable paving

A condition will be added to ensure development is carried out in accordance with the measures outlined in the statement.

Therefore, the proposal is acceptable in this regard and compliant with policy D2 of the LPSS, 2015-2034, and the requirements of the NPPF, 2023.

Conclusion

It is considered that the increased depth of the proposed development over the extant 2015 permission, including the addition to the Coach House, would not result in an overdevelopment of the plot and would retain the spacious feel of the site. As such, it is noted that the proposal would preserve the character of the

Conservation Area. In addition, the extensions would integrate well with the existing hotel and would not result in any material harm to the amenity of surrounding residents.

In addition, it is noted that the NPPF is supportive of development which supports sustainable economic growth. While the NPPF advises that significant weight should be attached to this benefit, on this occasion, given the proposal is for a modest extension to the hotel, it is considered that only modest weight should be afforded to this point.

Overall, no harm has been identified as a result of the proposed extensions and the economic benefits of the scheme add modest weight in favour of the development. As such, it is considered that the proposal is compliant with the LPSS 2019 and LPDMP 2023 and the NPPF 2023.

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PLANNING COMMITTEE

24 APRIL 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)

<p>1.</p>	<p>Sophie Saunders Reculver, Chapel Lane, Pirbright, Surrey, GU24 0JZ</p> <p>23/P/01321 – The development proposed is replacement of existing front porch, erection of a single storey side extension and erection of a part single / two storey rear extension following the demolition of the rear conservatory and side storage. Existing façade to be renovated with a proposed white render finish without complying with a condition attached to planning permission 22/P/01223 dated 19 January 2023. The condition in dispute is no.2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 101, 102, 300, 203, 202 Rev 01, LP Rev P1, 201 Rev P1, and 100 Rev P1 received 13 July 2022, 9 August 2022 and 12 January 2023.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues:</p> <p>The main issues are:</p> <ul style="list-style-type: none"> • The appeal site comprises a detached two storey dwelling which has planning permission for extensions as described above. The appellant wishes to vary condition 2 of that permission to enable the substitution of drawings to allow a deeper rear extension. The Council’s objection is on Green Belt grounds. • Therefore, the main issue is the effect of varying the 	<p>*ALLOWED</p>
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	<p>condition on whether the development constitutes inappropriate development in the Green Belt.</p> <p>Please view the decision letter online via the planning portal.</p>	
<p>2.</p>	<p>Mr Martin Purcell Land and Buildings to the East of Glaziers Lane, Normandy, Guildford, GU3 2SF</p> <p>EN/20/00168 – The breach of planning control as alleged in the notice is 1. The making of a material change of use to the use of the land for residential purposes through the stationing of caravans 2. The erection on the land of three buildings, gate and fencing 3. The laying of hard surfacing to facilitate the stationing of caravans and the development outlined in 1 and 2 above.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues: The main issues are:</p> <ul style="list-style-type: none"> • The effect of the operational development on the openness of the Green Belt and the purposes of including land within it; • The effect of the development on the Thames Basin Heaths Special Protection Area (TBHSPA); and • Whether the harm to the Green Belt and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the grant of planning permission. <p>Please view the decision letter online via the planning portal.</p>	<p>DISMISSED</p>
<p>3.</p>	<p>Mr Shah 3 North Side, The Cardinals, Tongham, Surrey, GU10 1EA</p> <p>22/P/01927 – The development proposed is erection of an attached dwelling following demolition of existing garage, part demolition and alterations to existing single storey rear extension, changes to fenestration, along with associated parking and landscaping.</p> <p>Delegated Decision: To Refuse</p>	<p>DISMISSED</p>

	<p>Inspector’s Main Issues:</p> <ul style="list-style-type: none"> The main issue of the proposal is the effect on the character and appearance of the area. <p>Please view the decision letter online via the planning portal.</p>	
<p>4.</p>	<p>Mr and Mrs G Yarborough 1 Fairlands Avenues, Fairlands, Surrey, GU3 3LX</p> <p>23/P/01323 – The development proposed is part single storey rear extension, two storey side extension, loft conversion including three rear dormers and raising of existing rear external wall and ridge, single storey extension incorporating shower room, additional dropped kerb and extended driveway following demolition of existing garage (amended plans received on 14/11/2018 showing a reduction in size and width to the dormer window. In addition, all references to the proposed brick piers and front boundary wall/railings have been omitted from the scheme) without complying with a condition attached to planning permission 18/P/01839 dated 16 November 2018.</p> <p>The condition in dispute is No2 which states that: The development permitted shall be carried out in accordance with the following approved plans: 7128/05, 7128/02, 7128/01 received on 20/09/2018 and amended drawing numbers 7128/04 Rev A, 7128/03 Rev B received on 14 November 2018. The reason given for the condition is: To ensure that the development is carried out in accordance with the approved plans in the interest of proper planning.</p> <p>Delegated Decision: To Refuse</p> <p>Inspector’s Main Issues</p> <ul style="list-style-type: none"> the main issue is the effect that varying the condition would have on the character and appearance of the host dwelling and the surrounding area. <p>Please view the decision letter online via the planning portal.</p>	<p>DISMISSED</p>

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