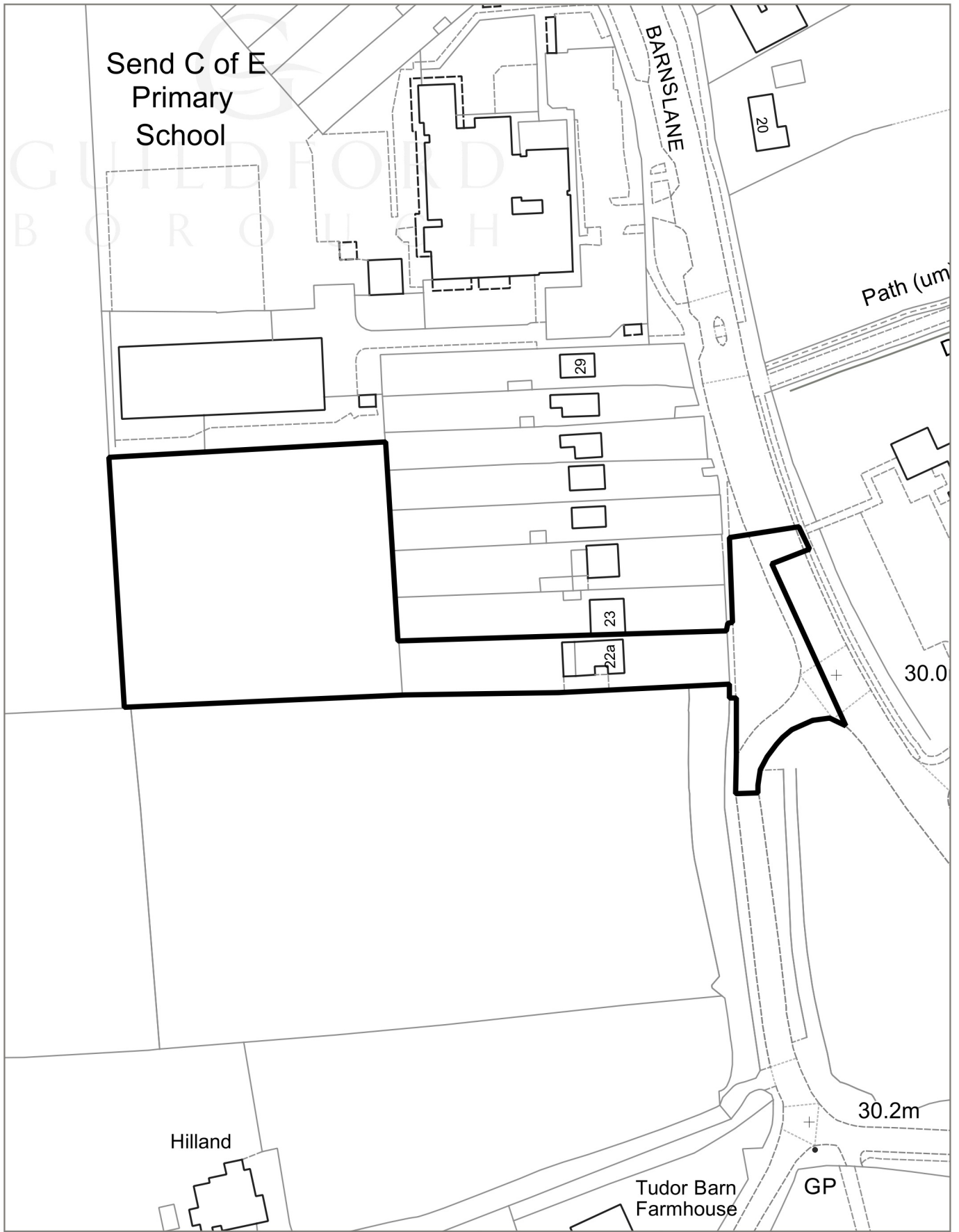


# 19/P/01577 - 22a Send Barns Lane, Send, Woking



© Crown Copyright 2020. Guildford Borough Council.  
Licence No. 100019625.

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

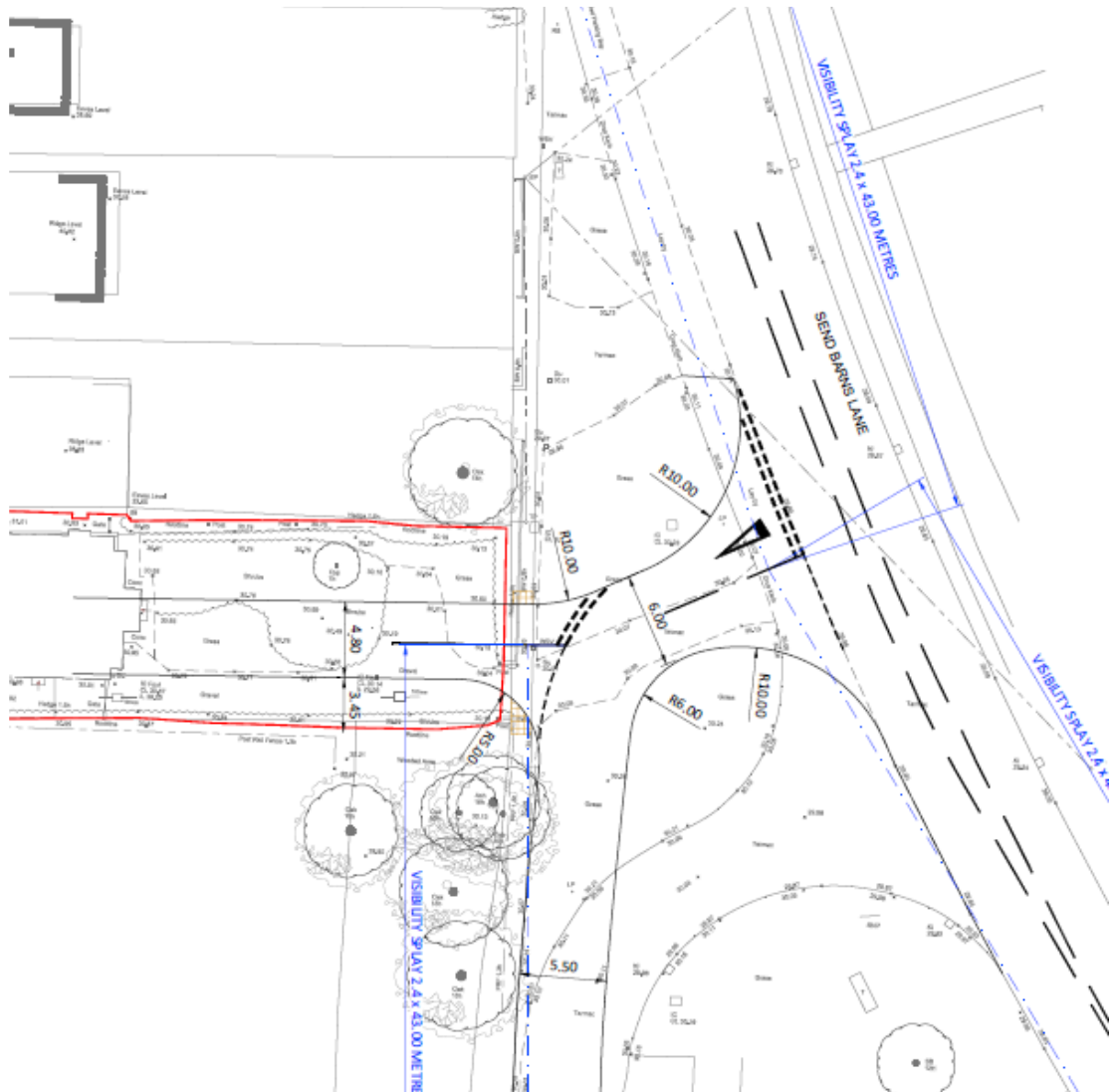
Print Date: 12/02/2020



Not to Scale



GUILDFORD  
BOROUGH



Not to scale



**App No:** 19/P/01577  
**Appn Type:** Outline Application  
**Case Officer:** Michael Parker

**8 Wk Deadline:** 06/03/2020

**Parish:** Send  
**Agent :** Marie Nagy  
Teal Planning Ltd  
Brentano Suite  
Solar House  
915 High Road  
North Finchley  
N12 8QJ

**Ward:** Send  
**Applicant:** Mr Grove  
Country Homes (Guildford)  
Ltd

c/o Agent

**Location:** 22A Send Barns Lane, Send, Woking, GU23 7BS

**Proposal:** Outline planning permission for 10 residential units (9 net additional) (Use Class C3) with new access and junction arrangement on Send Barns Lane and all other matters reserved

### Update to report

#### Reason for deferral

This application was deferred at the Planning Committee meeting on 08/01/2020 to enable the applicant the opportunity to amend the illustrative plan and consider a change in the description for 'up to ten residential units' instead of simply for 'ten residential units'.

#### Additional representations

Since the planning committee on 8 January 4 additional letters of objection have been received. The additional letters do not raise any further matters to those already discussed in the original committee report but can be summarised as follows:

- highway safety concerns and increase in congestion
- loss of green area
- impact on local resources such as school and doctors
- loss of privacy to neighbours and increase in noise and disruption

#### Amendments to the proposal

The applicant has advised officers that after careful consideration they do not wish to amend the description, which they consider is appropriate in policy, reflects the quantum of development for which permission is being sought and provides certainty going forward to reserved matters stage.

The applicant has however provided three illustrative plans for consideration by the committee.

Plan A - is the one considered by members at the January Committee.

Plan B - this plan rearranges the plots to demonstrate how parallel parking can be provided to each of the properties in place of tandem parking and still provide the same mix of units, with more generous side gardens and retained significant separation from neighbouring properties with longer rear gardens.

Plan C - is a much more detailed plan which rearranges the site and plots further. It:

1. keeps the density low
2. reduces the width of the internal access road to 4.1m, which is appropriate for this location and scale of development, and demonstrates flexibility within the layout to provide deeper front gardens and therefore even larger private plots.
3. arranges the plots to provide a mix of tandem and parallel parking, which follows the arrangements along Send Barns Lane
4. maintains the demonstration of 80% of the units being 2-3 bedroom units, all 2-storey
5. minimises hardstanding to just 31% of the total site (including the access road, house plots and parking areas)
6. shows very good size individual plots.
7. shows rear / side gardens of between 131 to 240sq.m., equating to at least 40% of their plots.
8. retains distancing to the site boundaries (garden depths) of at least 12m.
9. demonstrates the change in surface treatments at the entrance to the site and the off-setting of the alignment of the access road to reduce speeds entering and leaving the site.
10. demonstrates the setting back of the houses within the site to retain and enhance the boundary screening, with significant scope for new planting across the site

Further details are provided by the applicant in the form of a Response Note date 17 January 2020.

Both Plan B and C show an improvement to the parking layout with a complete removal of or reduction in the number of tandem parking spaces within the site. The spacing between plots and to the site boundaries has also been increased in both Plan B and C. It is the view of officers that these additional plans further demonstrate that the site can fit 10 good sized homes, within very good sized plots, with generous gardens, significant distancing from neighbours and on-plot parking that follows the arrangement of tandem and / or parallel parking. The different illustrative plans also show that there is the ability for further flexibility within the site layout at the detailed design stage. Officers therefore remain firmly of the view that the site is capable of accommodating 10 dwellings.

It is important for members to remember that this application is an outline application with all matters reserved except for access. The application was not deferred by committee on the grounds of access.

The site layout plans are for illustrative purposes only and therefore the Council will be able to fully consider all outstanding matters - appearance, landscaping, layout, and scale (including housing mix) at the reserved matters stage. The approval of outline permission does not in anyway guarantee that approval of reserved matters would be granted. Officers are therefore of the view that there are no reasonable grounds as to why this application should not be approved.

## **Appendix 1: Original Committee Report:**

### **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**

Outline planning permission for 10 residential units (9 net additional) (Use Class C3) with new access and junction arrangement on Send Barns Lane and all other matters reserved.

It is important to note that as all matters are reserved at this outline stage except for access that factors such as appearance, landscaping, layout, and scale cannot be considered at this stage. This includes the proposed mix of dwellings.

## **Summary of considerations and constraints**

There is no in principle objection to residential development on this site.

The proposed access, which is the only matter not reserved at this outline stage, is considered to be acceptable following consideration by Surrey County Council Highway Authority.

It is found that the proposal site, subject to an appropriate layout, scale and mix, would be capable of providing 10 dwellings without having a detrimental impact on the character of the site and surrounding area or harming neighbouring amenity. Reserved matters stage would consider detailed factors such as housing mix, scale, layout, and appearance.

All other matters are considered acceptable at this outline stage. Conditions can be used to secure adequate information with regard to drainage, sustainable construction, ecology and trees.

A legal agreement is required to secure SANG and SAMM contributions in relation to the Thames Basin Heath Special Protection Area. The applicant has agreed to enter in to this agreement.

The application is therefore recommended for approval.

## **RECOMMENDATION:**

**(i) That a S106 agreement be entered into to secure:**

- **SANG and SAMM contributions**

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

**(ii) That upon completion of the above, the application be determined by the Director of Planning and Regeneration. The preliminary view is that the application should be granted subject to conditions.**

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the management of construction traffic needs to be considered before construction commences.

5. No part of the development shall be commenced unless and until the proposed junction improvement works at Send Barns Lane have been constructed in accordance with the approved plans, Drawing No. 19021-002A (Vision Transport Planning), and thereafter shall be permanently maintained.

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

6. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 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 of 4.5 l/s.
  - 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.).
  - 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.
  - 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. It is considered necessary for this to be a pre-commencement condition because the management of surface water drainage needs to be considered before construction commences and goes to the heart of the planning permission.

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

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

8. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Sections 6.1 to 6.14 of the Ecological Assessment by Ecological Support, Management & Solutions Ltd dated 3 September 2019.

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

## Informatives:

1. This decision relates to drawing(s): HCR866:01 B and 02 and 19021-002 A received on 10/09/2019 and illustrative plans HCR866:04 C, 04 F and 04 G.
  
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

3. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk).
  
4. County Highway Authority informatives:
  - The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-d-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-d-kerbs).
  - The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see



<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

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

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

5. LLFA informative:

- 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 Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

## **Officer's Report**

### **Site description.**

The site is located on the Western side of Send Barns Lane (A247), Send. The front part of the site is currently occupied by a single detached dwelling (22a), the rear of the site is a large open field. To the south and west are fields. To the north are residential properties and the primary school.

The site is designated as part of the Inset boundary of Send, having recently been removed from Green Belt following the adoption of the new Local Plan. It is within the 400m to 5km buffer zone of the Special Protection Area (SPA).

The majority of the site is within the Flood Zone 1 (defined as having a low probability of flooding). The A247 including part of the proposed vehicular access works to the site is located within Flood Zone 2/3.

### **Proposal.**

Outline planning permission for 10 residential units (9 net additional) (Use Class C3) with new access and junction arrangement on Send Barns Lane and all other matters reserved

### **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
19/P/01048	Outline planning application for 16 residential units with new access, junction and crossing arrangements on Send Barns Lane and all other matters reserved.	Refuse 10/09/2019	N/A

The application was refused for the following reasons:

1. The proposed development by reason of the quantum of development proposed and indicative scale of the proposed dwellings would result in an incongruous, cramped, and overly dense layout which is at odds with the established character of the site and that of the residential development immediately surrounding the site to the east and north and which would fail to integrate well with the edge of settlement character of the site and surrounding area. The applicant has therefore failed to demonstrate how 16 dwellings could be proposed on this site without causing unacceptable harm to the character of the site and surrounding area contrary to policy G5 of the saved local plan 2003, policy D1 of the Local Plan 2019 and paragraph 127 and 130 of the NPPF.
2. The proposal if permitted would involve the creation of an access onto Send Barns Lane which is deemed overly complex which could lead to conditions prejudicial to highway safety, contrary to the objectives of the National Planning Policy Framework 2019 and the Guildford Local Plan: Strategy and Sites (2019) policy ID3.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policies NE1 and NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.

4. Without a completed legal agreement (S106) securing the required affordable housing and education contributions as set out within the delegated report an objection is raised in accordance with the Planning Contributions SPD (2017) and policy ID1 and H2 of the Local Plan: Strategy and Sites (2019) and the NPPF.

The following levels of provision would likely be sought from the applicant had the application been supported:

- up to 6 affordable units with a tenure mix to be agreed by the Housing Development Manager (at least 70% (four dwellings affordable rent);
- education contributions for early years, primary and secondary schools - amount dependent on housing mix at reserved matters stage

The above requirement is based on the current circumstances and information provided at the application stage and therefore may be subject to change.

### **Consultations.**

#### Statutory consultees

Affinity Water: no response

Surrey County Council Highway Authority: no objection subject to conditions and informatives

County Council Lead Local Flood Authority (LLFA): no objection subject to conditions

Thames Water: no objection with regard to waste infrastructure capacity

Natural England: no objection in relation to Appropriate Assessment

#### Internal consultees

Head of Environmental Health and Licensing: no objection subject to informatives/conditions.

#### Parish Council

Send Parish Council: objects

- access and egress is still complicated
- result in loss of parking
- highway safety/capacity issues
- overbearing impact on neighbours and loss of privacy and amenity
- overdevelopment
- loss of wildlife habitat

### **Third party comments:**

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

- increase in traffic and highway safety and capacity concerns
- inadequate parking
- out of character with character of surrounding area and edge of village location - overdevelopment and loss of village character
- high density development
- site not allocated for housing and will set unacceptable precedence for Send
- village infrastructure inadequate - primary school at capacity, no senior school and, poor sewage infrastructure and doctors/healthcare is at capacity

- removal of existing orchard/green space and trees and impact on biodiversity
- loss of amenity to neighbouring residents and school safeguarding issues
- inadequate public transport links
- no details regarding how these houses will look [Officer note: this is an Outline application, therefore details with regards to appearance would be dealt with at the Reserved Matters stage]
- no need for more housing, controversial Local Plan has already overestimated housing need [Officer note: the legal challenge to the adoption of the Local Plan: Strategy and Sites has been dismissed and the document carries full weight as part of the Development Plan]
- increase in pollution and noise

### **Planning policies.**

#### National Planning Policy Framework 2019 (NPPF):

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

#### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

#### Guildford borough Local Plan: strategy and sites 2019 (LPSS):

S1	Presumption in favour of sustainable development
H1	Homes for all
H2	Affordable Homes
P5	Thames Basin Heaths Special Protection Area
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
ID1	Infrastructure and delivery
ID3	Sustainable transport for new developments
ID4	Green and blue infrastructure

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

G1 (3) (8)	General Standards of Development
(12)	
G5 (2) (3)	Design Code
(4) (5) (7)	
(8) (9)	
NE5	Dev. Affecting Trees, Hedges & Woodlands

#### Supplementary planning documents:

SPD - Vehicle Parking Standards 2006  
 SPD - Sustainable Design and Construction 2011  
 SPD - Planning Contributions 2017  
 Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

### Other guidance:

Guildford Borough Council - Guidance on the storage and collection of household waste for new developments July 2017

### Draft Send Neighbourhood Plan:

The draft plan was submitted to the Council on the 5 November for the Regulation 16 Consultation to take place. The submission is currently awaiting validation and formal consultation by Guildford Borough Council. The draft plan is a material consideration however due to its current status prior to consultation it is considered that the plan carries very limited weight at this stage.

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- design and layout and impact on character of the surrounding area
- the impact on neighbouring amenity and living environment
- highway considerations
- refuse provision
- flooding
- impact on trees and ecology
- sustainable design
- contamination
- infrastructure requirements
- Thames Basin Heaths Special Protection Area
- affordable housing and education contributions
- legal agreement requirements
- presumption in favour of sustainable development

### Principle of development

The site is no longer designated as Green Belt land following the adoption of the LPSS. There is therefore no in principle objection to housing in this location.

However just because the land is no longer Green Belt does not mean that any sort of development is acceptable. Officers must still be satisfied that the proposal complies with the development management policies set out in the development plan.

### Design and layout and impact on the character of the surrounding area

Housing mix:

In terms of housing mix it is important to recognise that at this stage the application has all matters reserved except for access and therefore the final housing mix would only be confirmed at the reserved matters stage.

However as part of the application process officers have sought amendments to the indicative layout. The originally submitted plan indicated a mix of 2 x 2 bed, 7 x 3 bed and 1 x 4 bed. Following discussions the indicative layout plan show a mix of 3 x 2 bed, 5 x 3 bed and 2 x 4 bed. This mix much more closely aligns with the SHMA mix set out in policy H1 of the LPSS (which requires 1 x 1 bed, 3 x 2 bed, 4 x 3 bed and 2 x 4 bed. The only difference being the omission of 1 x 1 bed and an additional 3 bed unit.

Officers are satisfied that this mix is appropriate at this stage however it is noted that the Send Neighbourhood Plan, Policy Send 2 does set out its own housing mix policy and this would need to be considered in more detail at the reserved matters stage, when the Neighbourhood Plan is likely to be adopted.

Design and impact on character:

In terms of design and impact on character again it is acknowledged that matters such as appearance and layout are reserved and therefore it is not possible to fully assess matters such as the design and positioning of the proposed dwellings it is however still a consideration as to whether officers consider a development of up to 10 dwellings would likely respect the edge of village character of the site and pattern of development of the surrounding area.

Following the adoption of the LPSS the site is no longer Green Belt however this does not mean that there is a presumption that significant housing is acceptable, particularly as this is not an allocated site. The proposal must still fit comfortably in the site and reflect the density and pattern of development of the surrounding area.

Policy D1 (1) 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. Essential elements of place making include creating economically and socially successful new places with a clear identity that promote healthy living; they should be easy to navigate, provide natural security through layout and design with attractive, well enclosed, and overlooked streets, roads and spaces with clear thought given to the interrelationship of land use to external space.'

Policy D1 (17) states that 'Proposals for new development within villages will have particular regard to;

- (a) The distinctive settlement pattern of the village and the important relationship between the built development and the surrounding landscape
- (b) Important views of the village from the surrounding landscape
- (c) Views within the village of local landmarks'

The existing pattern of development of the site and the surrounding area is one of a predominantly linear development with detached bungalow, chalet bungalow and two storey dwellings of traditional design and of modest size and scale located in a set back position from the main road with relatively long rear gardens and good spacing between properties.

Whilst the school located to the north of the site does mean that the proposed dwellings would border development on two sides this school site is an exception to the general pattern of development and should not be heavily relied upon to justify development particularly as the site borders open fields to the west and south.

Taking in to account the above character points it is considered that the proposed quantum of dwellings proposed is much improved from the previously refused scheme with a significant reduction in the number of dwellings proposed and confirmation that the proposed dwellings would be no more than 2 storey in height. Such a reduction in the number of dwellings proposed has allowed the indicative plans to demonstrate that 10 dwellings could occupy the site with larger plots and significantly more spacing between the properties which allows for soft landscaping a lower density proposal. This would result in a much more comfortable development that does not appear cramped or incongruous and which would be sympathetic to the edge of settlement location.

The rear gardens of some of the units would still appear on the small side and as currently shown the layout would result in a significant number of tandem parking spacing and some parking along the access road which are not ideal features. However the proposed layout is only indicative at this stage and given the above factors it is considered that a good quality layout could be achieved on this site at reserved matters stage.

### Neighbour amenity and living environment

Whilst it is acknowledged that additional dwellings within the site, and at higher ground level would introduce a completely new relationship for the neighbouring dwellings to the east and north-east of the site, which is not particularly common in this location, it is considered that there could be adequate spacing between the proposed dwellings and the neighbouring dwellings, which would ensure that there would be no unacceptable harm to the occupants of these dwellings in terms of loss of light loss of privacy and overbearing impact to these properties.

The potential for noise and disruption from the new access road is also a consideration in relation to the impact on neighbours, particularly no.23. Whilst the final position of the road is not finalised due to the outline nature of the application it is clear that there is adequate space for an access road of the necessary width with a substantial amount of room for landscaping and other mitigation measures such as fencing. Further detail would be expected at the reserved matters stage.

In terms of the impact on the school to the north of the site this boundary is currently well screened and given that the current proposal is only outline it is considered that the proposed dwellings could be located in such a way as to ensure that there is no unacceptable harm to the school site. Notwithstanding, it is not uncommon for residential sites to adjoin school sites, indeed schools are normally located within residential areas to enable them to serve the local residents so this relationship is not considered unusual.

In terms of living environment for the proposed dwellings the indicative plans show that each house would have private rear gardens measuring at least over 11m in length, providing good sized private amenity spaces. The plans also indicate that each unit would exceed the National Technical Housing Standard requirements (March 2015).

Concerns have been raised regarding the increase in air pollution. Given the relatively minor scale it is unlikely that it would result in a significant increase in air pollution and the Council's Environmental Health Officer has not raised a concern in this regard subject to conditions to ensure that electric charging points are installed to promote cleaner transport, this could be conditioned at reserved matters stage.

There is the potential for disruption during construction, however any impact would be temporary and were the application approved issues around construction noise and disturbance would be covered by other non-planning regulations.

### Highway considerations

At this stage only access is for full consideration.

It is noted that a number of concerns have been raised with regard to the existing parking and highway safety situation in the vicinity of the proposal site due to the number of cars using the area for school and doctor car parking. Whilst officers understand the concerns the assessment is whether the proposal would result in an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe.

The County Highway Authority (CHA) has advised that the proposal would provide junction improvements which will enable residents and other road users easier use of the surrounding road network. The proposed access provides adequate space to allow two vehicles to pass each other. The indicative layout shows that it is possible for the scheme to allow vehicles to enter and leave the site in forward gear. To ensure sustainable modes of transport are encouraged, the CHAs has also recommended conditions in relation to electric charging points and cycle storage. As such the CHA has recommended approval of the application and there is therefore no justification to warrant refusal of this application on highway safety grounds.

In terms of the indicative layout and parking provision the proposed plans show that each property would have at least two parking spaces which is in line with the Council's parking standards. Given the relatively rural location two car parking spaces per property would be appropriate. Covered cycle parking could be comfortably provided for each dwelling in line with the Council requirements.

Conditions are recommended to secure a construction transport management plan (CTMP) and the implementation of the proposed access. With regard to the CTMP it is noted that Surrey County Council has requested a clause on the condition which restricts HGV movements outside of the site. Such a condition cannot be controlled by the Local Planning Authority and therefore it is not considered enforceable and has been omitted from the recommended condition. Details in relation to electric charging points and cycle storage can be provided at the reserved matters stage in relation to layout details so do not need to be conditioned.

#### Refuse provision

In terms of refuse collection the submitted Transport Statement shows that a Council refuse truck can enter and exit the site in forward gear based on the indicative layout. This would need to be updated at reserved matters stage but the applicant has demonstrated that the access is appropriate for refuse vehicle access. Details of bin storage location and capacity would also be dealt with at reserved matters stage.

#### Flooding

The Lead Local Flood Authority has assessed the outline proposal and has advised that the proposed Suds scheme is acceptable subject to further detailed information. This information can be secured by condition or be submitted at the reserved matters stage.

The vast majority of the site is within the Flood Zone 1 (defined as having a low probability of flooding), including the whole area proposed for housing and the access road. The only part of the site which is in flood zone 2 and 3 is an area where some of the proposed junction works are.

However, this does not include all of the proposed access junction, as demonstrated by the additional plan, ensuring that pedestrians and cars would be able to leave the site on to flood zone 1 land without entering flood zone 2 or 3 land at all in the event of a significant flood. As such it is considered that the application does not need to demonstrate compliance with the sequential or exception test or prove safe access and egress.

#### Impact on Trees and Ecology

Trees:

There are no trees protected by Tree Preservation Orders within the site or Ancient woodland within or close to the site and following an assessment by the Council's Arboricultural Officer during the recently refused application they are satisfied that there would be no unacceptable loss of trees within and close to the site. The proposal would also provide an opportunity for replanting and landscape enhancements within the site.



As such were the application to be approved further information could be provided at the reserved matters stage.

#### Ecology:

In terms of ecology a phase one survey has been submitted with the application. The survey includes additional badger and bat survey work.

A number of mitigation measures are recommended to ensure that protected species are not harmed during construction as well as more generic mitigation measures. A number of enhancement measures are also recommended.

As this application is being recommended for approval conditions are recommended to secure the implementation of the mitigation measures. Detailed enhancement measures including a Landscape Enhancement Management Plan (LEMP) should be provided at the reserved matters stage.

#### Sustainable design

The LPSS policy D2 requires new development to achieve a 20% reduction in carbon emissions over and above building regulation standards and also provide water efficiency measures.

The submitted planning statement (Annex D) acknowledges that sustainable design measures are necessary in line with Policy D2 and an outline approach is set out in Annex D. Officers are therefore satisfied that the proposal would be able to meet the requirements of policy D2. Detailed information can be provided at reserved matters stage to ensure the proposal fully complies with policy D2 and the Council's SPD.

#### Contamination

The Council's Environmental Health Team has assessed the application and has not raised any concerns in relation to contamination. Therefore no condition or further exploration works are considered necessary.

#### Infrastructure requirements

Concerns have been raised regarding the lack of infrastructure in Send in relation to schools, doctors and sewerage. The proposal is of relatively small scale with only a net gain of 9 dwellings where the Council is unable to seek financial contributions towards such infrastructure matters. Nevertheless given the minor scale with a net increase of 9 dwellings it is considered unlikely that there development would put an unacceptable strain on local infrastructure.

#### Thames Basin Heaths Special Protection Area (TBHSPA) and appropriate assessment

The proposed development may adversely impact the TBHSPA due to the net increase in residential units at the site. The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution to avoid any adverse impact in line with the tariff within the annual updating of off-site contributions document. As this is an outline application the proposed mix is only indicative. As such the proposed agreement would ensure that the contributions are secured in line with agreed mix at reserved matters stage.

As part of the application process the Council has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. Natural England has been consulted on the AA and they confirm they are happy with the conclusions of the AA.

The applicant has agreed to enter into a legal agreement to meet these requirements.

#### Affordable housing and education contributions

Unlike the previously refused application this proposal now only seeks outline consent for 10 dwellings. As such no affordable housing is required by policy H2 of the LPSS.

The scheme, which now only proposes a net increase in 9 dwellings, is also under the 10 dwelling limit (net gain) for requesting S106 contributions in relation to education.

#### Legal agreement requirements

The three tests as set out in Regulation 122(2) require S106 agreements to be:

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

As the application would result in the net gain of 9 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement would be required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 63 of the Habitats Regulations 2017, a S106 agreement is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA.

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

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

#### Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that decision should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan without delay.

In this case the application is in accordance with the up to date LPSS and other Development Plan documents and therefore paragraph 11 applies to this application.

#### **Conclusion.**

The proposed access, which is the only matter not reserved at this outline stage, is considered to be acceptable.

It is found that the proposal site would be capable of providing 10 dwellings without having a detrimental impact on the character of the site and surrounding area or harming neighbouring amenity. Reserved matters stage would consider detailed factors such as housing mix, scale, layout, and appearance.

All other matters are considered acceptable at this outline stage. Conditions can be used to secure adequate information with regard to drainage, sustainable construction, ecology and trees.

The application is therefore recommended for approval.