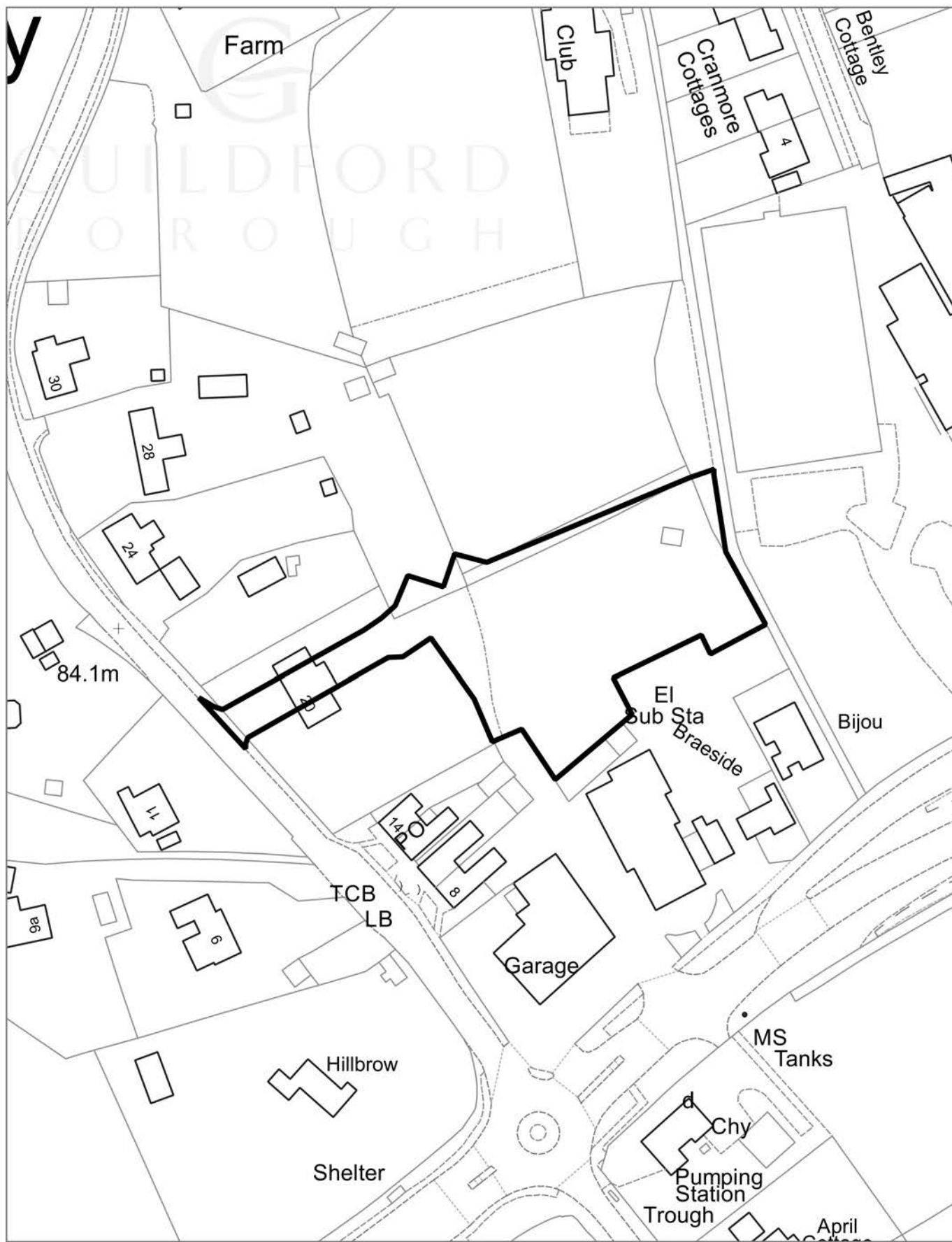


20/P/00409 - 20 The Street, West Horsley, Leatherhead



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Print Date: 01/06/2020



Not to Scale



GUILDFORD
BOROUGH

20/P/00409 – 20 The Street, West Horsley KT24 6AX



Not to scale

App No: 20/P/00409
Appn Type: Full Application
Case Officer: John Busher

8 Wk Deadline: 05/08/2020

Parish: West Horsley
Agent : Ms C Adams
West Horsley Residential
Limited
Links 2
Links Business Centre
Old Woking Road, Woking
GU22 8BF

Ward: Clandon & Horsley
Applicant: Ms C Adams
West Horsley Residential
Limited
Links 2
Links Business Centre
Old Woking Road, Woking
GU22 8BF

Location: 20 The Street, West Horsley, Leatherhead, KT24 6AX
Proposal: Full planning application for the erection of 8 residential dwellings (Use Class C3) to include internal roads and footways, together with car parking, areas of hardstanding and associated landscaping. Any existing structures on site to be demolished.

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 is for full planning permission for the erection of eight dwellings on land to the rear of 20 The Street, West Horsley. The site, along with a number of others, is allocated in the Local Plan for approximately 40 dwellings. This is the last site to come forward for planning permission and if approved, the allocation would deliver a total of 41 dwellings.

The application site would be accessed from The Street from a new access which has already been approved through a separate application. The proposed new dwellings would effectively form an extension to the already approved scheme. A mix of detached, semi-detached and apartments are proposed, all of which would be two storeys in height. A total of 22 on-site parking spaces are provided.

The site is located in West Horsley Conservation Area and there are a number of listed buildings in the vicinity.

Summary of considerations and constraints

The application site forms part of allocation A36 which seeks to provide a total of 40 dwellings across three separate sites. The principle of residential development has therefore already been established and is acceptable. In addition, it is noted that the principle of this number of dwellings has already been considered against the potential resulting harm during the Local Plan process which went through a thorough and rigorous consultation and examination. This is the last of the three sites to come forward and in total 41 dwellings would be delivered, which is in keeping with the approximate number as set out in the Local Plan.

While it is acknowledged that the proposal results in some harm to the appearance and character of the conservation area, the harm has been identified as being at the lower end of less than substantial. As required by the NPPF, the public benefits of the proposal have been considered and they are considered to clearly outweigh the harm.

Elsewhere, the proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the NDSS. There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, trees, ecology, archaeology and sustainable construction.

Subject to the conditions and s.106 agreement securing the contributions set out above, the application is deemed to be acceptable and is recommended for approval.

RECOMMENDATION:

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

- the delivery of three affordable housing units (a minimum of 70% to be affordable rent with mix as agreed); and
- contribution towards early years and secondary education projects.

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(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 Planning Development Manager. 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 before the expiration of one year 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: PH2_AHL.01 REV C; PH2_BS.PE REV B; PH2_CSL.01 REV C; PH2_P.6-8.E REV B; PH2_P.6-8.P REV B; PH2_PBP.01 REV C; PH2_PVL.01 REV C; PH2_PVL.01 REV C; PH2_SL.01 REV C; PH2_EXSP.01 REV B; PH2_LP.01 REV B; PH2_GAR.PE REV A; PH2_HT.5B.E1 REV A; PH2_HT.5B.E2 REV A; PH2_P.1-2.E REV A; PH2_P.4-5.E1 REV A; PH2_P.4-5.E2 REV A; PH2_HT.5B.P REV A; PH2_P.1-2.P REV A; PH2_P.1-2.P REV A; PH2_P.4-5.P1 REV A; and PH2_P.4-5.P2 REV A.

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

3. The development hereby approved shall not be commenced until planning application 19/P/01210 has been implemented and commenced.

Reason: The development of this proposal on its own, without the implementation of the extant permission would result in a materially different development.

4. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc)) until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and samples.

Reason: To ensure that the appearance of the development is satisfactory.

5. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until written details and/or samples of:

- a) fenestration details; and
- b) fascias, soffits and gutters

to be used externally have submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external materials.

Reason: To ensure that the appearance of the development is satisfactory.

6. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years and detailed plans for the replacement hedge, 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.

7. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size,

species and number, unless otherwise agreed in writing by the local planning authority.

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

8. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all boundary treatments within and around the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of neighbouring residents and the locality.

9. Before the first occupation of the development a certificate demonstrating that Secured by Design has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

10. The development shall only be carried out in accordance with the submitted Energy Assessment (revision 3, prepared by Green Tiger, dated 04.03.20). The carbon reduction measures shall be fully installed and operational before the first occupation of each of the dwellings.

Reason: To reduce carbon emissions and incorporate sustainable energy.

11. 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 Local Planning Authority to demonstrate that this condition has been met.

Reason: To improve water efficiency.

12. The development hereby permitted shall only be carried out in full accordance with the submitted Flood Risk Assessment (issue 2, prepared by Glanville, dated 27 February 2020). 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 drainage system has been constructed as per the agreed scheme.

Reason: To ensure that the proposal does not increase flood risk on or off site.

13. No part of the development shall be first occupied unless and until the proposed vehicular access to The Street has been constructed and provided with visibility zones in accordance with a scheme drawing number 8180722/6102 Rev D of the Transport Statement and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

14. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

15. 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) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in The Street, Epsom Road, Shere Road and Butlers Hill during these times
- (k) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This is a pre-commencement condition as due to its nature, the above details need to be agreed before construction begins.

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

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

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

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

18. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a fully detailed scheme for protecting the proposed residential units and gardens/amenity areas from the noise sources identified in the Noise Assessment submitted with the planning application (prepared by Cole Jarman, dated 25.02.20, reference 19/0657/R1) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise such works as are necessary to ensure compliance with the desirable noise levels detailed in the WHO 2000 Guidelines for Community Noise and BS8233: 2014 and shall include details of noise attenuation barriers/fencing and noise attenuation measures relating to glazing types and trickle ventilation. Any works which form part of the approved scheme shall be fully completed before any part of the noise-sensitive development is occupied and shall thereafter be maintained in perpetuity.

Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants.

19. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) within 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 have been made in the absence of FTTP.

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

20. The development hereby approved shall only be carried out in accordance with the improvement and mitigation measures set out in Ecological Appraisal (prepared by Aspect Ecology, reference 5628 Ph2 EcoAp vf2/LN/DS, dated 27.02.2020) and letter dated 27.05.20 (reference 1005628/DS/008 let fee CA (SWT P2)). The improvement and mitigation measures shall be in place before the first occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In order to protect the nature conservation and biodiversity value of the site.

21. Before the first occupation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures; and
- i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

22. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features.

It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

23. No development related works shall take place on site until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified subject to written agreement from the Local Planning Authority. No development shall commence until tree protection measures, as set out in the AMS and TPP, have been installed and a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the Local Planning Authority Tree Officer.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. This is a pre-commencement condition as the tree protection works need to be installed before construction begins.

Informatives:

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

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

In this case formal pre-application advice was not sought prior to submission. Although Officers expressed concerns relating to the original proposal, alterations were required to overcome these. The applicant agreed to the changes and the proposal is now deemed to be acceptable.

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

3. **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-cross-overs-or-dropped-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.

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

www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html for guidance and further information on charging modes and connector types.

4. **Lead Local Flood Authority 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 the Surrey County Council 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. **Thames Water Informative:**

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 riskmanagement@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.

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://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

Officer's Report

Site description

The application site is located to the north of the Bell and Colvill car dealership close to the junction of Epsom Road and The Street in West Horsley. The land is rectangular in shape and has an area of approximately 0.31 hectares. The land is not in use for any particular purpose, it is currently covered in a large number of trees and unmanaged scrub vegetation, which it appears has been recently cut back.

The site forms part of Local Plan allocation A36 which envisages approximately 40 homes over its whole area. Two other applications for housing have already been approved by the Local Planning Authority for this allocated site and this development would complete the allocation. The site is also within West Horsley Conservation Area and it is noted that there are a number of listed buildings within the surroundings.

The surrounding area is mainly residential in its character. To the west and north of the site is a development site which was recently approved for 23 dwellings. It is noted that this proposal would form an extension to that development. To the south-east is another part of the allocated site, which also has planning permission for ten dwellings. Neither of the already approved developments have commenced, although it is noted that conditions are currently being discharged. To the south-west of the site is the Bell and Colvill garage and to the east is Cranmore School. A public footpath runs along the eastern boundary of the site.

Proposal

Full planning application for the erection of 8 residential dwellings (Use Class C3) to include internal roads and footways, together with car parking, areas of hardstanding and associated landscaping. Any existing structures on site to be demolished.

This proposal would effectively be an extension to already approved application 19/P/01210 at 20 The Street. This was approved by the Planning Committee in November 2019 following a site visit by Members. Access would be taken from that development, which leads to The Street. The proposal consists of one block of apartments, two pairs of semi-detached dwellings and a detached property. All of the buildings would be two storeys in height. The proposed mix is set out below.

Proposed Mix					
	1-bed	2-bed	3-bed	4+-bed	Total
Total dwellings	1	2	4	1	8
Of which...					
Houses	0	0	4	1	5
Apartments	1	2	0	0	3
Affordable	1	2	0	0	3

It is noted that following concerns which were expressed by the Council's Conservation Officer the applicant agreed to a number of minor amendments to the scheme.

Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
19/P/01210	Erection of 23 dwellings (Use Class C3), modified vehicle and pedestrian access off The Street together with internal roads, car parking, areas of hardstanding, and associated landscaping. All existing buildings and structures including No 20 The Street to be demolished.	Approve 18/11/2019	N/A

Consultations

Statutory consultees

County Highway Authority, Surrey County Council: The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds raise no objection to the proposal.

County Archaeologist, Surrey County Council: No objections raised. It is noted that it is now clear that the site has a very low potential for archaeological remains to be present and so archaeological remains will not be threatened by the development. As such, no further archaeological investigations are required in this case.

Internal consultees

Head of Environmental Health and Licensing: No objections raised, subject to a condition securing the implementation of the recommendations set out in the applicant's Noise Assessment and the submission of a contamination assessment before works begins on site.

Operational Services, Recycling and Waste: No comments received or objections raised.

Non-statutory consultees

Thames Water: No objections raised.

Parish Council

West Horsley Parish Council: The Parish Council objects to the application. The following concerns are noted:

- would result in significant harm to the conservation area;
- impacts on the setting of neighbouring listed buildings;
- overdevelopment of the plot - density not in keeping with the surroundings;
- the proposed mix of units is not acceptable - no bungalows are provided;
- the impact the proposal would have on biodiversity and climate change;
- the impact on surface water drainage and flooding;
- no lighting strategy has been provided;
- the proposal does not meet the requirements of the Local Plan allocation;
- the access onto The Street is dangerous and unacceptable; and
- the proposal is not an infill and there is no guarantee that the already approved scheme will come forward.

Third party comments

32 letters of representation have been received raising a number of objections and concerns. The principal issues are summarised below:

- highway safety concerns regarding the proposed access onto The Street. Access should be provided via Epsom Road;
- the associated application (19/P/01210) may not have been proved if it had eight extra dwellings;
- access is a danger to pedestrians and cyclists;
- the density of the site is unacceptable and increase the density of the approved scheme;
- overdevelopment of the plot - cramped and congested layout;
- proposal would be out of keeping with the character of the surrounds;
- adverse impact on the local environment;
- adverse impact on the countryside and biodiversity;
- harmful impact on the conservation area;
- impact on surface water drainage and flooding;
- local facilities (doctors, schools etc) not sufficient to meet additional demand;
- proposal does not accord with the requirements of the neighbourhood plan;
- piecemeal development of the site is not acceptable; and
- adverse impact on wildlife and 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 safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12. Achieving well designed places
Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Chapter 15. Conserving and enhancing the natural environment
Chapter 16. Conserving and enhancing the historic environment

National Design Guidance 2019

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015-2034:

It is noted that the Guildford Borough Local Plan: Strategy and Sites 2015-2034 was adopted by the Council on 25 April 2019. Its policies now carry full weight in the assessment of planning applications. The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development
Policy S2 Planning for the borough - our spatial strategy
Policy H1 Homes for all
Policy H2 Affordable homes
Policy P4 Flooding, flood risk and groundwater protection zones
Policy P5 Thames Basin Heaths Special Protection Area
Policy D1 Place shaping
Policy D2 Sustainable design, construction and energy
Policy D3 Historic Environment
Policy ID3 Sustainable transport for new developments
Policy ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

Policy G1 General standards of development
Policy G5 Design code
Policy H4 Housing in urban areas
Policy HE4 New development which affects the setting of a listed building
Policy HE7 New development in conservation areas
Policy R3 Recreational open space provision in relation to small residential developments
Policy NE4 Species protection

West Horsley Neighbourhood Plan 2018:

WH1 West Horsley Conservation Area
WH2 - Design management in the village settlement
WH4 - Housing mix
WH12 - Green and blue infrastructure network
WH13 - Sustainable urban drainage
WH14 - Biodiversity

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD
Sustainable Design and Construction SPD
Planning Contributions SPD
Vehicle Parking Standards SPD
Residential Design SPG

Planning considerations

The main planning considerations in this case are:

- the principle of development
- housing need
- impact on the setting of listed building and the conservation area
- layout and design
- impact on neighbouring amenity
- amenity of proposed development
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- impact on ecology
- impact on trees and vegetation
- planning contributions and legal tests
- balancing exercise and public benefit
- conclusion

The principle of development

With the adoption of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), this site is no longer designated as being within the Green Belt. The land parcel forms part of a larger site which has been allocated for housing under policy A36 of the LPSS. The allocation notes that in total the site is expected to deliver approximately 40 homes. Policy A36 sets out that development should incorporate the following requirements:

- sensitive design, siting and form of development, given the edge of village/semi-rural location and visual prominence; and
- appropriate surface water flooding mitigation measures, with specific regard to the Guildford Surface Water Management Plan.

Policy A36 also notes the following opportunities:

- the proposed residential access could be configured to ensure that traffic uses the designated one-way system along the parallel road adjacent to A246 to egress the site via the junction to the north (shared with Cranmore School). There is also the potential to provide an access to the site from The Street.

The principle of eight dwellings on this site is therefore deemed to be acceptable, subject to general compliance with the above requirements of policy A36 and relevant local and national policies which will be considered further below. It is noted that the three sites which now make up this allocation (including the subject proposal) would deliver a total of 41 units, which is only marginally more than the allocation.

Housing provision and 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'. Policy WH4 of the Neighbourhood Plan states that 'proposals for new residential development within the defined settlement boundary of West Horsley will be supported, provided they have had full regard to the need to deliver 'open market one, two and three bedroom market homes and bungalows suited to occupation by younger families and older households'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below, however, it should be noted that the SHMA is for guidance only and policy H1(1) does allow for flexibility in the housing mix on individual sites.

Table 1			
Overall Housing Mix			
	No.	SHMA % Req	Provided %
1 bed	1	20	12.5
2 bed	2	30	25
3 bed	4	35	50
4+ bed	1	15	12.5
Total	8		

Table 2			
Market Mix			
	No.	SHMA % Req	Provided %
1 bed	0	10	0
2 bed	0	30	0
3 bed	4	40	80
4+ bed	1	20	20
Total	5		

Table 3			
Affordable Mix			
	No.	SHMA % Req	Provided %
1 bed	1	40	33.33
2 bed	2	30	66.66
3 bed	0	25	0
4+ bed	0	5	0
Total	3		

It is noted that overall the current proposal would deliver a larger quantity of 3+ bedroom properties than is suggested by the SHMA. In addition, it is acknowledged that the market housing on the site is skewed towards the larger properties, whereas the affordable properties are all either two or three bedrooms. On the face of it, this is also against policy WH4 of the Neighbourhood Plan.

However, it must be noted that the SHMA advises that the provision of market housing should be more explicitly focused on delivering across the West Surrey Strategic Housing Market Area (Guildford, Waverley and Woking Borough Council areas) smaller family housing for younger households. It is on this basis that the percentage market mix of different bedroom properties was proposed.

The SHMA goes on to advise that although the mix is quantified on the basis of market modelling and the understanding of the then current housing market the advice does not strongly believe that such prescriptive figures should be included in the plan making process and that the 'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time. The SHMA advises that the housing mix figures can, however, be used as a monitoring tool to ensure that future delivery is balanced when compared with the likely requirements as driven by demographic change in the area. Furthermore, in the Inspector's Final Report (paragraph 48) on the LPSS he 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'.

In semi-rural locations such as this it is fully expected that a higher percentage of larger properties will be delivered. This is because schemes with larger proportions of apartments would not be in keeping with the character of the surroundings (which even more true for this site in a conservation area) and that one and two bedroom apartments are more suitable for larger developments or sites which are located closer to town or village centres. It is also noted that the area covered by the Neighbourhood Plan includes two other larger allocated sites (A37 Land to the west of West Horsley and A39 Land to the north of West Horsley) which are allocated for approximately 135 and 120 homes respectively. These larger sites are much better placed to deliver the smaller one and two bedroom units required by policy WH4 and H1. In addition, although approved application 19/P/01541 (for land at Chicane and Quintons, Ockham Road North is outside of the West Horsley Neighbourhood Plan area, it sits along its north-eastern boundary, and as such, its SHMA compliant mix will deliver smaller units which will also be of benefit to West Horsley.

In these circumstances, Officers are satisfied that the mix of housing tenures, types and sizes would be appropriate to the site size, characteristics and location such that this requirement of policy H1 of the Local Plan and WH4 of the Neighbourhood Plan would be met.

Impact on the setting of listed buildings and the conservation area

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

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

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 190 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'. Paragraph 193 goes on to 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'.

Paragraphs 189 - 196 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. The above is reflected in policy D3 of the LPSS and saved policies HE7 and HE10 of the 2003 Local Plan. It is noted that policy WH1 of the Neighbourhood Plan is also relevant.

West Horsley Conservation Area

It is noted that at this point along The Street, the conservation area has a sylvan, semi-rural character. The West Horsley Neighbourhood Plan notes that the site is within 'The Street' character area and it is stated that 'the majority of houses have their own individual styles and designs contributing to the character of this area. Other than some older listed buildings, the predominant style of housing in this area is 1930's, 1940's and 1950's, with some more modern, traditional build, detached two storey properties with plain clay tile roofs, with off-street open and garage parking and medium garden plots. Many gardens have front hedges comprising of hornbeam, privet, beech or leylandii contributing to the 'green' character'. The Council's Conservation Officer notes that houses within this area vary in age and design, however there is an obvious clustering of the village's earliest dwellings (timber framed), most of which are listed, due to the fact that this is the earliest part of the village. Properties within this southern section are exclusively two storeys in height and are constructed in the vernacular, using traditional local materials such as timber framing, clay tile roofs, brick facades, hanging tiles and timber framed casement windows. Low eaves height and steep pitch roofs are also prevalent within this building stock.

It should be noted that the current application site is set a significant distance back from The Street and is essentially land locked, with the only prominent public views being from the public footpath which runs along the eastern boundary. Furthermore, it is noted that this proposal effectively forms an extension to the 23 unit scheme which was approved by the Council in 2019 under application 19/P/01210 and another ten unit scheme at the Bell and Colvill site which was approved by the Planning Inspectorate. The current proposal would be read in this context and the extant schemes are an important material planning consideration.

It is noted that site A36 as a whole is allocated in the Local Plan for approximately 40 units and as such, a change to the character of the surrounding area is unavoidable, as is evidenced through the approval of the two applications already referred to above. Whilst this is the case, it is still important that the proposed scheme is of high quality, being respectful as possible to the established character of the surroundings and minimising the resulting harm to the conservation area.

The proposed plans show that access to the site would be gained from the southern boundary of the 2019 approved scheme and would lead to a small cul-de-sac of eight dwellings. As the applications are submitted by the same developer, the proposal is reflective of the layout, design and character of the approved scheme. The proposed buildings would all be two storeys in height and would be finished in materials which are common to the area such as tile hanging and brick. Following concerns which were raised by the Council's Conservation Officer, the applicant has also amended the original scheme to revise the design of plots six to eight which provides a more pleasant and welcoming set of entrances and the additional clarity relating to garden boundary wall of plot two.

It is noted that the proposal would result in the loss of most existing trees on the site and that this would also change the character and appearance of the site. The arboricultural and ecological merits of this will be considered below, but in terms of the impact on the appearance of the site, it is noted that this level of tree loss is an inevitable consequence of the allocation of the site.

It is noted that some of the more important trees along the visible boundaries of the site are being retained and at the request of the Local Planning Authority they are being supplemented with new planting.

The Council's Conservation Officer has concluded that whilst the proposed scheme is broadly acceptable as amended, it would still result in some harm to the special character and appearance of West Horsley Conservation, given that it is developing an undeveloped paddock of land and scrubland. However, when taking into consideration both adjoining approved developments, the limited visibility of this site from The Street, as well as its effort to establish a continuity of design and sense of place with the approved development to the north, it is noted that the resultant harm would be 'less than substantial' and at the lower end of that scale.

Overall, it is noted that no objections have been raised by the Council's Conservation Officer. However, as noted above, it is unavoidable that the proposal would result in less than substantial harm to the significance of West Horsley Conservation Area. As set out in paragraph 193 of the NPPF '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'. Paragraph 196 goes on to state that 'where a development 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...'. The harm also needs to be balanced against the fact that the site is allocated for housing in the Local Plan and that some impact is inevitable as a result of this. The public benefits will be weighed against the harm in the final section of this report.

Listed buildings

There are a number of listed buildings in the vicinity of the site. These include two Grade II listed dwellings to the west which are on the other side of The Street, which are 112-201 metres away from the site. Due to the distance of separation and the intervening features, the proposal is unlikely to result in any harm to the setting of either of these properties. The other Grade II listed building is Sumners which is situated at 28 The Street, to the north-west of the site. This is a timber framed fifteenth century cottage which has a large rear and front garden, as well as a swimming pool and sizeable outbuilding. The application site is located approximately 50 metres from the rear boundary of Sumners and 73 metres from its rear elevation. In between the listed building and the application site is the already approved scheme 19/P/01210. It is noted that the current proposal will only be able to be implemented alongside the already approved scheme and not independently of it. This will be secured by condition. Over and above this, the proposal would not result in any additional harm to the setting or significance of Sumners.

Layout and design

In terms of general policies covering design and character it is noted that paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF notes that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy D1 of the LPSS makes clear that new development will be required to achieve a high quality design that responds to the distinctive local character of the area in which it is set. The design criterion set out in policy G5 of the saved Local Plan and policy WH2 of the Neighbourhood Plan are also relevant. It is noted that the Government's National Design Guidance has recently been issued and is also a material planning consideration for this proposal.

Access to this scheme would come from the southern boundary of the main development which was approved in 2019. It would lead to a small cul-de-sac of eight dwellings which would all provide active frontages to the access. The building would all be two storeys in height, with adequate gaps between the units. The built form would reflect that of the main approved development and the two applications would appear as one scheme.

As noted above, the dwellings are of a traditional architectural style. They are not overly high or bulky properties and the proposed apartment building has been designed to mimic a detached dwelling. The varying roof designs adds interest and variation to the scheme and the use of traditional materials of red brick and clay tiles will help the scheme to integrate into its surroundings. The exact external materials will be controlled by condition.

As amended, the proposal is deemed to be consistent with the requirements of the Local Plan, the Neighbourhood Plan, the NPPF and the National Design Guidance in this regard.

Impact on neighbouring amenity

To the north and west, the site abuts the scheme already approved through application 19/P/01210. The proposal would not harm the amenity of any of the approved dwellings as the layout enables adequate gaps to be maintained between the built form. To the south the proposal abuts the approved residential scheme on the Bell and Colvill site. The dwellings proposed in the south-east corner of the site would continue the line of properties along the eastern boundary of that site. There would be some mutual overlooking of rear gardens which is not an unusual or harmful relationship in residential areas. Given the screening which exists, there would be no adverse impact on the grounds of Cranmore School.

The application is therefore deemed to be acceptable in this regard.

Amenity of the proposed development

Policy H1 of the LPSS states that 'all new residential development must conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG)'.

All of the house types proposed as part of the development comply with the relevant space standards in terms of their overall size (see table below)

NDSS Compliance Table				
House Type	Occupancy	GIA NDSS Min. (Sq.m.)	Proposed GIA (Sq.m.)	Comply?
1 bed	2P / 1 storey	50	52.2	Yes
2 bed	3P / 2 storey	70	84	Yes
3 bed	4P / 2 storey	84	107	Yes
4 bed	5P / 2 storey	97	148	Yes
5 bed	6P / 2 storey	110	185	Yes

The proposal is therefore deemed to be acceptable in this regard.

All of the proposed houses would have adequate areas of private amenity space, with some properties also including front garden areas. Each of the ground floor apartments have access to a private patio area. It is noted that the first floor apartment is only provided with a Juliet balcony which is not ideal. However, there are public amenity areas within the surroundings and there are numerous public footpaths for walking and active recreation. As such, this would not be a reason to refuse planning permission in its own right.

It is noted that Cranmore School is located to the east of the site and the garage associated with Bell and Colvill is located to the south. These uses may result in noise to the occupants of the new dwellings. It is noted that the applicant has submitted a Noise Assessment with the planning application which sets out a range of measures to protect residential amenity. This includes the provision of acoustic fencing along the southern boundary and the use of double glazing and trickle vents. The Council's Environmental Health Officer has raised no objections to the proposal and the mitigation measures set out in the Noise Assessment can be secured by condition.

As such, the amenity of the proposed units are deemed to be acceptable.

Highway/parking considerations

Paragraph 109 of the NPPF 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 application is supported by a Transport Statement (TS) which has been assessed by the County Highway Authority (CHA).

Capacity of highway network

The TS estimates that the proposed development, on average, will result in an approximate increase of three two-way vehicle movements during the AM and PM peak hours. Cumulatively, the already approved scheme and this proposal would result in an approximate increase of 13 two-way vehicle movements during the AM peak hours and 15 two-way vehicle movements during the PM peak hours. Either on its own or combined with the consented scheme, the increase in vehicle movements is very modest and one which would not result in any serious issues for the capacity of the network.

The CHA raise no concerns about the capacity of the network and the proposal is deemed to be acceptable in this regard.

Access and highway safety

The proposal would utilise the same access as the already approved scheme. This would be located slightly to the south of the existing access into 20 The Street. It would be in the form of a simple priority T junction. The CHA assessed the suitability and safety of this access as part of the consented scheme. Although it is acknowledged that eight additional dwellings would now be using it, this does not have any material impact on its safety and it therefore remains acceptable.

It is noted that the site allocation mentions that there is an opportunity for this site to be accessed via the Bell and Colvill development off Epsom Road. Residents note that this would be preferable to 31 of the properties being accessed from The Street. While it is acknowledged that there is in theory the possibility to now link all of the sites through to Epsom Road, in reality the Bell and Colvill site is controlled by a different developer. The applicant is not willing to consider using an access through the Bell and Colvill site as there is no guarantee that this site will come forward or that an acceptable arrangement could be reached between the parties. As such, the applicant maintains the view that this site should be accessed from The Street via the consented scheme. This is not an unreasonable position to take and the Council cannot force the applicant to utilise an alternative access, particularly if the alternative has been recently approved.

On this basis, the utilisation of the already approved access is deemed to be acceptable.

Parking

A total of 22 car parking spaces are provided on the site, which exceeds the Council's maximum on-site parking provision of 14 spaces. However, there are no objections to the over provision in this instance.

Based on the above, the proposal would not result in any severe impacts on highway capacity or safety. As such, the development is deemed to be acceptable in this regard.

Flooding and drainage considerations

The site is located within flood zone one which is land assessed as having a less than 1 in 1,000 annual probability of river flooding. It is acknowledged that the site is identified as being at risk from surface water flooding.

Notwithstanding this, the applicant has submitted a Flood Risk Assessment (FRA) with the application which notes that the drainage strategy comprises shallow soakaways to deal with roof drainage and permeable paving to deal with road / driveway run-off, discharging through the footprint of the paved area and providing treatment for pollution prevention.

The FRA notes that the vast majority of the site that is indicated to be potentially at risk of surface water flooding is considered to be at 'Very Low Hazard' (Hazard Rating less than 0.75) even in the worst case 'low' risk scenario. Safe access for emergency vehicles would be available from The Street, via the access road through the consented site at all times. It is noted that the risk of surface water flooding is to be mitigated by maintaining an overland flow path running through the development from south-east to north-west via the internal access roads and by raising building floor levels above the relevant flood level, and designing external ground levels to fall away from the buildings. It is noted that identical mitigation measures were approved when planning permission was granted on the other two surrounding sites.

The proposed drainage strategy will offer protection against surface water flooding by providing a positive drainage system, which will intercept overland flows from off-site and run-off generated within the site. The drainage system will be designed to accommodate the design rainfall event (1 in 100 year return period with a 40% allowance for climate change). It is noted that no positive drainage system exists currently to control and dispose of surface water run-off or overland flow across the majority of the site, so this will provide a significant improvement.

On this basis, the proposal is deemed to be acceptable in this regard and there is no evidence to suggest that the proposal would lead to any greater risk of flooding to neighbouring sites.

Sustainable energy

Policy D2 of the LPSS states that new buildings must achieve a reduction in carbon emissions of at least 20 per cent and that this should be through the provision of appropriate renewable and low carbon energy technologies and the use of good quality building fabric.

The applicant has submitted a Sustainability Statement which notes that the proposal will actually achieve a 24.4% reduction in carbon emissions which exceeds the Council's requirements. This will be secured by condition.

Impact on ecology

The applicant has submitted an Ecological Appraisal as part of the application. This has updated with a further technical note which sought to address concerns raised by Surrey Wildlife Trust (SWT).

It is noted that the site comprises a secondary woodland, dominated by young to semi-mature non-native trees. The appraisal notes that the secondary woodland is a small and low-quality example of this habitat type not of value beyond the local level and not an important ecological feature. The applicant notes that the woodland has been subject to ongoing management, in order to regain control of the area as a garden. Two hedgerows are present at the site boundary, one of which qualifies as a Priority Habitat and therefore is an important ecological feature. The Priority Habitat hedgerow is to be retained and the loss of the remaining hedgerow and secondary woodland will be partially offset through new native species rich hedgerow and tree planting.

No bat roosts were identified during specific survey work undertaken on two on-site trees. The site provides suitable, albeit sub-optimal, habitat for foraging and commuting bats, the loss of which will be compensated through new hedgerow and tree planting. No other protected species were noted on the site.

It is noted that the site is identified on MAGIC mapping as the Priority Habitat 'lowland deciduous woodland'. However, the applicant notes that the MAGIC data states there is a low level of confidence in the habitat classification as woodland. Indeed, it is likely that the site has been erroneously identified as Priority Habitat woodland based on aerial photography. The Ecological Appraisal notes that overall, considering the dominance of young to semi-mature trees, the high abundance of non-native species, and the very small area present, the on-site secondary woodland is not considered to be of value above the local level and does not constitute an important ecological feature. The Council's Arboricultural Officer notes that the site is the remains of a large garden amenity space in which a mixed variety of tree species have established over the recent past. On this basis, and considering the applicant's submission on this point, it is considered that the site is not classed as a lowland deciduous woodland.

In terms of biodiversity net gains the NPPF encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The applicant notes that the proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities. The recommendations and enhancements set out in the Ecological Appraisal include the provision of new planting including native species such as oak and new hedgerows, additional bat and bird boxes throughout the site, bee bricks and foraging habitat for hedgehogs. The appraisal notes that these are considered appropriate given the context of the site and the scale and nature of the proposal. These ecological enhancements in conjunction with the landscape proposals the development would deliver a number of biodiversity net gains at the site.

Surrey Wildlife Trust raises no objections to the proposal.

With a condition to secure the mitigation measures set out in the applicant's Ecological Appraisal, the proposal is deemed to be acceptable in this regard.

Impact on trees and vegetation

It has already been noted above that the site is heavily treed however, it is dominated by young to semi-mature non-native specimens. Out of the 71 trees and groups identified for removal, 54 trees and groups are assessed as 'C' category (low quality) and 13 trees are assessed as 'U' category. 'U' category trees are considered to be of such condition that they cannot realistically be retained as living trees in context of the current land use for longer than ten years.

Whilst the four remaining trees identified for removal (T18, T19, T113 and T134) are of fair health and condition and therefore assessed as 'B' category (medium value), T113 (walnut) and T134 (ash) are semi-mature and located within the site and have limited visual amenity within the local landscape. T18 and T19 (poplars), have a limited life expectancy due to their propensity to drop branches and large amounts of deadwood with maturity. The applicants note that their retention within the residential development would not therefore be appropriate.

The Council's Arboricultural Officer has visited the site and has concluded that the vast majority of trees, both surrounding and within the site, are either of low grade quality and/or are of poor structural form. It would not be viable to attempt to retain trees safely within close proximity to the proposed residential properties. It is noted that within the site the trees are mainly fruit trees and self-set Sycamore and Ash, all of which have limited amenity value. What was once garden amenity space has been neglected with limited management. It is noted that more mature trees surround the site, but they are of little arboricultural merit. The significant line of Cypress trees were once a maintained hedge for screening purposes, that through neglect are now just a tall, established line of trees of no arboricultural benefit or wider amenity value. It is noted that the two Poplar trees (classified as B grade – as per BS 5837) are respectable trees, but are prone, as they continue to mature, to shed large limbs and thus a likely health and safety concern. The dominate Sycamores are all either twin or multi-stemmed, and therefore will have a propensity to split with a potential catastrophic outcome. Therefore, the Council's Arboricultural Officer raises no objections to the proposed tree loss. As noted above it must also be acknowledged that the site is allocated for housing in the Local Plan and therefore a loss of trees is to be expected.

A small number of trees are proposed for retention along the eastern boundary of the site. At the request of the Local Planning Authority, these would be supplemented with new replacement tree planting. Although this will not be a significant number of specimens, it will provide acceptable canopy cover and space has been afforded for larger feature trees rather than group planting of smaller tree specimens.

Subject to the submission of a Arboricultural Method Statement and tree protection plan (for the trees which are being retained), the proposal is deemed to be acceptable in this regard.

Planning contributions and legal tests

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

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

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

Affordable housing

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable. While this proposal of eight units would not normally trigger a requirement for affordable housing, as it is an extension to an already approved site and in the same ownership, it is considered reasonable that an affordable housing contribution should be secured. It is acknowledged that this has been offered by the applicant from the outset.

The proposal generates a requirement for three affordable properties on the site, which are being provided by the applicant. This is in compliance with policy H2 of the LPSS. In terms of the tenures, the applicant proposes two affordable rent properties and one dwelling for shared ownership. When this is considered with the already approved scheme, which this site would form an extension of, the overall tenure split would be eight affordable rent properties and four dwellings for shared ownership. Taking rounding into account, the would meet the Council's required tenure split.

Therefore, the proposal is considered to be compliant with policy H2 of the LPSS in this regard. The legal agreement would secure the provision of the number of affordable units, as well as their tenure and mix, so that the proposal is compliant with local and national policies. 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 and secondary level and to mitigate this impact the County Council has requested an education contribution of £31,654. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Balancing exercise and public benefit

As noted above, it has been concluded that the proposal would result in less than substantial harm to the character and appearance of West Horsley Conservation Area, but for the reasons set out above, this harm would be at the lower end of this scale.

As set out in paragraph 193 of the NPPF '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'.

Paragraph 196 goes on to state 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'. 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.

As required by paragraph 196 of the NPPF, the public benefits of the proposal will be set out below.

The proposal would deliver a total of eight dwellings on an allocated site. Following discussions between Officers and the applicant, a one year implementation period has been agreed which will ensure that dwellings are delivered early in the plan period, where there is projected to be significant demand for additional homes. The early provision of dwellings in this area is deemed to be a substantial public benefit of the proposal.

The proposal would deliver a total of three affordable dwellings as part of the development. This is a public benefit which weighs in favour of the proposal.

Having paid special attention to the harm to the character and appearance of the conservation area and given great weight to its conservation, it is the view of the Local Planning Authority that they are outweighed by the public benefits of the proposal.

As no other harm has been identified, the proposal is therefore deemed to be acceptable in this regard.

Conclusion

The application site forms part of allocation A36 which seeks to provide a total of 40 dwellings across three separate sites. The principle of residential development has therefore already been established and is acceptable. In addition, it is noted that the principle of this number of dwellings has already been considered against the potential resulting harm during the Local Plan process which went through a thorough and rigorous consultation and examination. This is the last of the three sites to come forward and in total 41 dwellings would be delivered, which is in keeping with the approximate number as set out in the Local Plan.

While it is acknowledged that the proposal results in some harm to the appearance and character of the conservation area, the harm has been identified as being at the lower end of less than substantial. As required by the NPPF, the public benefits of the proposal have been considered and they are considered to clearly outweigh the harm.

Elsewhere, the proposed dwellings are considered to provide an acceptable level of internal and external amenity for future residents, fully compliant with the NDSS. There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, trees, ecology, archaeology and sustainable construction.

Subject to the conditions and s.106 agreement securing the contributions set out above, the application is deemed to be acceptable and is recommended for approval.