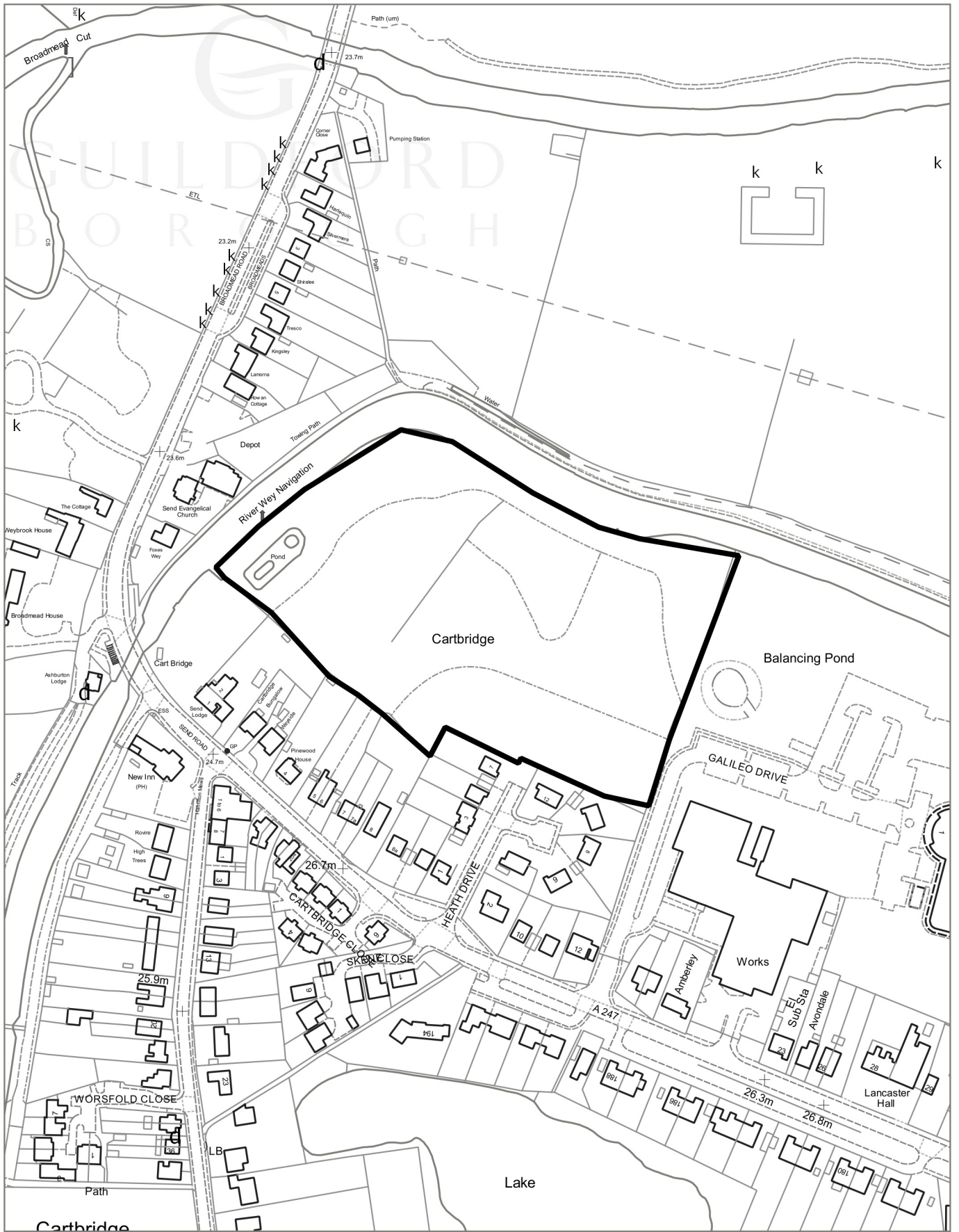


# 19/P/01003 - Land To The North Of, Heath Drive



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Print Date: 10/07/2020



Not to Scale



**GUILDFORD**  
BOROUGH

19/P/01003 - Land to the north of Heath Drive, Send



Not to scale



**App No:** 19/P/01003

**8 Wk Deadline:** 05/12/2019

**Appn Type:** Outline Application

**Case Officer:** Jo Trask

**Parish:** Send

**Ward:** Send

**Agent :** Mr G Hutchinson  
Future Planning and  
Development Ltd  
2 Wardrobe Place  
46 Blair Street  
London  
EC4V 5AH

**Applicant:** Send Surrey Limited c/o  
Agent

**Location:** Land to the north of, Heath Drive, Send GU23 7EP

**Proposal:** Outline planning application for 29 residential dwellings including means of access, layout and scale (appearance and landscaping to be reserved).

### **Executive Summary**

This application is the subject of a non determination appeal.

Had the Council retained the right to determine this application, the recommendation would have been to approve subject to the terms and conditions and the completion of a s106 Agreement as set out in this report.

The 13 week deadline expired on 5.12.19. The Council has been in discussions with the applicant resulting in the amendments to the original scheme. The intention was to take the application to 22 April 2020 planning committee. Unfortunately due to COVID 19 the planning committee was cancelled. Moving forward with virtual planning committees the Council resolved not to consider major applications which generate public speaking for the first two virtual meetings. In light of this the applicant chose to make an appeal against non determination. The appeal against non determination was formally submitted on 15 June 2020. The appeal is awaiting a start date.

The applicant has recently submitted an identical application (also on this planning committee's agenda) which they hope will be considered favourably by the Council. Should the duplicate application be approved the applicant has advised that they will withdraw the current appeal.

### **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.

This application qualifies for public speaking.

### **Key information**

The application is for outline permission for 29 residential dwellings including means of access, layout and scale (appearance and landscaping to be reserved):

The 29 units would comprise 15 houses and 14 flats.

Proposed housing mix:

6 x 1 bed  
8 x 2-bed  
10 x 3 bed  
5 x 4 bed

Proposed affordable mix:

		Proposed	SHMA
1 bed	6	50%	40%
2 bed	4	34%	30%
3 bed	2	16%	25%
4 + bed	0	0%	5%

Proposed market mix:

		Proposed	SHMA
1 bed	0	0%	10%
2 bed	4	24%	30%
3 bed	8	47%	40%
4 + bed	5	29%	20%

40% affordable housing would be provided.

A total of 50 Parking spaces would be provided.

A two storey building height is proposed.

Access is via the natural termination point within Heath Drive.

Matters reserved are appearance and landscaping.

**Summary of considerations and constraints**

The site is located within 400m - 5km of the TBHSPA.

A TPO protects all trees on site following substantial felling in 1997.

The area is identified as open space having visual amenity value only due to the private landownership of the site.

The proposal gives an opportunity to provide publicly accessible open space increasing the open space value of the site. This in addition to the biodiversity enhancements through planting, management and removal of non-native species and windfall additional market and affordable housing out weighs the identified harm of building upon part of the woodland.

Were the Council in a position to determine the application the recommendation would have been to approve subject to conditions and a s106 agreement to secure:

Education provision: A financial contribution is sought for the following contributions: Early Years Contribution: £19,518 Primary Contribution: £95,135 Secondary Contribution: £103,839 Overall Contribution: £218,492.

Affordable Housing: 40% based on a 70:30 split

Accessible and adaptable homes 10% to be accessible and adaptable and 5% to be wheelchair user dwellings.

Highways: a contribution of £30,000 for the implementation of a traffic island between Potters Lane and Heath Drive and the erection of Vehicle Activated Signs.

TBHSPA: SANG and SAMM payment based on the Council's adopted formula.

Open space: a plan shall be submitted identifying the land which shall be publicly accessible for the purposes of public open space and informal recreation, detailing specification; management and maintenance, and maintained in perpetuity. This provision is necessary and directly related to the development.

Play space contribution based on the adopted formula.

**RECOMMENDATION:**

**Had the Council retained the right to determine this application, the recommendation would have been to approve subject to:**

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

- **the delivery of 12 affordable housing units (a minimum of 70% to be affordable rent with the mix as agreed by the Housing Development Manager);**
- **provision of SANG and SAMM contributions in accordance with the formula of the updated tariff;**
- **open space provision on site in perpetuity**
- **a contribution towards play space**
- **contributions towards an early years project; a primary education project; and a secondary education project in accordance with the formula of the updated SCC Education Contribution Tariff;**
- **A contribution of £30,000 for the implementation of a traffic island between Potters Lane and Heath Drive and the erection of Vehicle Activated Signs. The VASs shall be located on either side of the existing bridge**

**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 Planning Development Manager.**

**NB. This application is the subject of a non determination appeal.**

**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. The development hereby permitted shall be carried out in accordance with the following approved plans: 3160-D1100 site location plan received 4 June 2019, D2200 rev 02 illustrative aerial master plan and D2010 rev 05 scale perimeter plan received 13 February 2020 and D2000 rev 02 refuse tracking plan and D2000 rev 19 illustrative master plan received on 10 March 2020.

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

4. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

The developer shall employ dust control measures during construction on site.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

5. No vehicle shall access the site unless and until the proposed vehicular access to Heath Drive hereby approved has been constructed in accordance with the approved plans, Drawing No. 3160-D2000-rev17, 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 approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 3160-D2000-rev17, 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.

7. 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) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (f) 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.

8. The development hereby approved shall not be occupied unless and until each of 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.

9. 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.

10. Prior to the submission of the first reserved matter an application must be made to achieve a Secure By Design Application. The development shall be carried out in strict adherence and perpetuity with the approved details.

Reason: For the prevention of crime and disorder.

11. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the recommended actions in;
- Section 5.3 (Precautionary Measures), 5.4 (Ecological Protection Measures) and 5.5 (Ecological Enhancements) of the Preliminary Ecological Appraisal PEA Report dated January 2017.
  - Section 5.4 of the Great Crested Newt eDNA (GCN) Survey Report dated April 2017.
  - Sections 5.4 and 5.5 of the Reptile Report dated July 2017.
  - Section 6 of the Stag Beetle and Invertebrate Report dated 24th July 2017.
  - Section 5.5 and 5.6 of the Bat Activity Survey Report dated December 2017.
  - All the actions as detailed in the Biodiversity Mitigation and Enhancement Plan (BMEP) dated May 2019.

Reason: To mitigate against the loss of existing biodiversity and nature habitats and help prevent adverse effect to legally protected species from the proposed development.

12. Prior to occupation an external lighting scheme shall be submitted to the lpa for approval in writing, which should be informed by the Bat Conservation Trusts' document entitled "Bats and artificial lighting in the UK – Bats and The Built Environment Series" Guidance Note 08/18. The scheme shall be carried out in accordance with the approved details.

Reason: To help ensure that nocturnal animals are not adversely affected by lighting.

13. Prior to submission of the first reserved matters application details regarding the location of the applicants proposed reptile translocation area on site and its suitability to support species shall be submitted to and approved in writing by the lpa. Noting that an in-situ translocation would be the best option ecologically.

Reason: To be assured that the development can be undertaken without adverse effect to legally protected reptile species.

14. Prior to any landscaping works details of the bank alignment shall be submitted to the lpa and agreed in writing following consultation with the National Trust, as adjoining landowner.

Reason: To protect the River Wey and Godalming Navigation.



15. Prior to the submission of the first reserved matters application details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- 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 (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.1 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. This pre commencement condition goes to the heart of the planning permission.

16. 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.

17. A landscape management plan covering a period of no less than 10 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, to include a detailed landscaping plan indicating replacement tree planting. (to include species, number, size etc). shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

18. 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 season 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.

19. 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 LPA. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified subject to written agreement from the LPA

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

20. 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 LPA 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 pre commencement condition goes to the heart of the planning permission.

21. 10 % of the new homes shall meet Building Regulations M4 (2) category 2 standard (to be accessible and adaptable dwellings, and 5 % of the new homes shall meet Building Regulations M4 (3) category 3 (wheelchair user dwellings'), or any subsequent legislation on making homes accessible and adaptable.

Reason: To ensure adequate provision of accessible homes.

22. Prior to submission of the first reserved matters an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology and fabric improvements shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with Policy D2 of the LPSS 2019 and the Council's Sustainable Design and Construction SPD 2011. This pre commencement condition goes to the heart of the planning permission.

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

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

### **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 pre-application advice was sought and provided which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues.

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](mailto:buildingcontrol@guildford.gov.uk)
3. The applicant is advised that 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-large-site/Apply-and-pay-for-services/Wastewaterservices>

4. The applicant is advised that there are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
5. 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-large-site/Apply-and-pay-for-services/Wastewaterservices>
6. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
7. The applicant is advised that the National Trust would not grant consent for any type of moorings. Any use of the water for recreation would be limited to non-power craft being launched and recovered over the bank, taken out of the water at the end of use and not left in the Navigation. Such activities would require a licence from the National Trust. In addition any work to the bank would require approval by the Trust, which is concerned that there should be no encroachment on the Navigation nor the creation of any mooring areas.
8. 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.
9. 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.
10. 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](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).
11. 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).

12. 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.
13. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
14. 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-infrastructure.html> for guidance and further information on charging modes and connector types.

## **Officer's Report**

### **Site description.**

The site is located in Send and is inset from the Green Belt. The site comprises a private area of woodland. The site is accessed from Heath Drive, noting that the woodland is private. To the north and west the site adjoins the River Wey. To the south lies residential development and to the east commercial premises Vision Engineering.

The site is identified as Open Space. The site is recognised for its visual amenity and biodiversity value.

The site is designated by Natural England as a Priority Habitat (main habitat deciduous woodland, habitat type broad leaved). (N.B. this was designated after the 1997 felling)

The site is also subject to a woodland Tree Preservation Order (TPO) and is adjacent to the Wey and Godalming Navigations Conservation Area.

The site lies within 400m-5km of the Thames Basin Heath Special Protection Area.

The site is located in Flood Zone 1 with a small element of the north-eastern part of the site within Flood Zone 2.

### **Proposal.**

Outline planning application for 29 residential dwellings including means of access, layout and scale (appearance and landscaping to be reserved) as amended by plans received 10 March 2020.

The scheme has been amended following discussions to revise the proposed layout of the development.

A total of 29 units are proposed comprising:

6 x 1 bed

8 x 2 bed

10 x 3 bed

5 x 4 bed.

This is broken down into 15 houses and 14 flats.

40% affordable housing would be provided.

A total of 50 Parking spaces

A two storey building height is proposed.

### **Relevant planning history.**

No relevant planning applications.

### **Consultations.**

#### Statutory consultees

County Highway Authority: The proposed development has been considered by The County Highway Authority who recommends an appropriate agreement should be secured before the grant of permission, to secure: a contribution of £30,000 for the implementation of a traffic island between Potters Lane and Heath Drive and the erection of Vehicle Activated Signs. In addition to conditions regarding: access; parking; secure cycle parking; electric charging

Environment Agency: Refer to standing advice.

Natural England: No objection subject to compliance with the Thames Basin Heath SPA mitigation measures.

Thames Water: No objection regarding waste water network and waste water process infrastructure capacity, based on the information provided. No objection to surface water drainage provided the developer follows the sequential approach to the disposal of surface water.

Surrey County Council Education: Financial contribution sought towards early years, primary and secondary education.

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

Surrey Police: request a condition requiring a Secured by Design application to be made.

Thames Water: No objection with regard to waste water network and waste water process infrastructure capacity, based on the information provided. No objection with regard to surface water drainage, provided the developer follows the sequential approach to the disposal of surface water.

Surrey Wildlife Trust: The Trust would advise that the Preliminary Ecological Appraisal (PEA) Report dated January 2017, Great Crested Newt eDNA (GCN) Survey Report dated April 2017, Reptile Survey Report dated July 2017, Stag Beetle Survey and invertebrate assessment Report dated 24th July 2017, Bat Activity Survey Report dated December 2017 and Biodiversity Mitigation and Enhancement Plan (BMEP) dated May 2019, all by Urban Edge Environmental Consulting and Landscaping hard materials, SuDS, lighting and planting strategy Report by

Harper landscape Architecture LLP dated April 2019, which the applicant has provided in support of the above planning application, provides much useful information for the Local Authority to be able to assess the potential status of protected and important species on the proposed development site and the likely effect of the development on them.

- Advise that the applicant should be required to undertake all the recommended actions in the reports above.
- Advise that as all the ecological survey work undertaken occurred in 2017, confirmation should be sought that the reports and recommendations made are still appropriate for the current status of habitat and likely status of species on this site.
- The woodland on site has been assessed as a habitat of Principle Importance to biodiversity, listed in Section 41 of the Natural Environment and Rural Communities Act (NERC). Any ecological mitigation for this site should include a proportionate amount of replanting of native species trees, preferably of local provenance and suitable for this site.
- The Biodiversity, Mitigation and Enhancement Plan appears to lack detail of, who will manage and monitor the public spaces of this site post development to maintain biodiversity value and how the BMEP will be funded.
- The River Wey is likely to be an important commuting and feeding area for bat species and the Local Authority is advised to ensure that any exterior lighting associated with the proposed development does not affect the river corridor as many species of legally protected bats are adversely affected by artificial lighting.
- Further information required regarding the proposed reptile translocation area on site and its suitability to support species.

National Trust River Wey and Godalming Navigations: The Trust recommend a suitably worded condition requiring the submission and approval of a landscape management scheme and its implementation thereafter. The Trust would wish to be consulted on the landscape management plan given the interface between the application site and the Trust's land ownership along the Navigation. The Navigation alongside the application site is a man-made cut and fairly narrow the Trust would not grant consent for any type of moorings. Any use of the water for recreation would be limited to non-power craft being launched and recovered over the bank, taken out of the water at the end of use and not left in the Navigation. Such activities would require a licence from the National Trust. In addition any work to the bank would require approval by the Trust. A condition is requested requiring the details of the bank alignment to be agreed with the National Trust, as adjoining landowner.

#### Internal consultees

Head of Environmental Health and Licensing: No objection subject to conditions regarding hours of work, dust prevention and infrastructure for electric vehicle charging. The applicant has submitted an Energy Sustainability Statement, which will have air quality benefits.

Refuse and Recycling: No objection.

Housing Manager: The number of affordable homes proposed is acceptable. Tenure to be secured by S106 agreement.

#### Parish Council

Send Parish Council: Strongly objects:

- The Guildford Local Plan details the housing needs in the borough until 2034 and this is in addition to those numbers. There is no identified additional need for these properties. (officer note: the housing numbers include windfall sites, such as this, as well as allocated sites)
- The development is oversized for the size of the plot with insufficient parking provision. The access road is narrow and is already used as overspill parking for other developments with insufficient parking e.g. Skene Close and Cartbridge Close.

- The Transport survey seems absurd. The proposed development of 29 households would mean at least 29 additional journeys especially with such limited public transport services available. If the local school is full there would be more journeys by car to schools further away.
- There is great concern about the loss of green space. This is the last parcel of land left between the Cartbridge and the Vision Engineering site and the wildlife is being squeezed out.
- There has been historical use of the site and there are well-trodden footpaths. It is regularly used by local children with dens and bike jumps in evidence.
- There are no signs which indicate that the land is private and never have been.
- The impact on the wildlife is of great concern including the bat population.
- The designated riverbank would soon become overgrown and there is no detail on who would look after it and take on the burden of maintenance. This is proposed within the Wey Navigation corridor. There would also be a loss of view of the woodland from the towpath on the opposite side of the navigation.
- Other observations made based on cumulative applications being made in Send: request that windfall sites are monitored and comprehensively managed as these are in excess of what was envisaged at Local Plan stage. Unclear on cumulative traffic implications, would want this assessed and mitigated through highway improvements and suitable alternatives to car travel; pressure on social infrastructure; character of Send, care should be given to design of developments. Identify need for a mix of housing types and affordable homes.

### **Third party comments:**

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

- development of site allocations should be given priority before any other site considered
- Send losing rural character
- Negative impact on character of the area
- land is not private, site currently has access across and is well used (officer note the Council understands the land to be private)
- who will manage woodland?
- flood plain
- harm to biodiversity and loss of habitat
- Japanese knot weed present
- loss of TPO trees/ loss of woodland
- designated as a recognised Local Green Space in draft Send Plan (officer note: the Send Neighbourhood plan is not currently afforded weight due to its status)
- unsustainable development
- overdevelopment
- loss of privacy (officer note - appearance and landscaping are reserved matters, from the layout and scale plans no unacceptable loss of privacy would arise)
- insufficient parking
- increase in traffic
- road safety concerns
- increase in noise and pollution
- lack of infrastructure to support development
- does not improve or protect the River Wey (officer note: The National Trust River Wey and Godalming Navigations has not raised any objection subject to conditions)
- Green Belt land should be protected (officer note: site is inset from the Green Belt)
- damaging to physical and mental health
- Guildford Local Plan provides more housing than is required (officer note: this is a windfall site and goes towards the housing numbers)



## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

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

### Ministry of housing, communities and Local Government

National Design Guide dated 1 October 2019

### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

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

As a recently adopted plan and in accordance with paragraph 74 of the NPPF, the Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 6.84 years based on most recent evidence as reflected in the GBC LAA (2019). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2019 measurement is 83%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (45%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

The following policies are relevant:

S1: Presumption in favour of sustainable development

H1: Homes for all

H2: Affordable homes

P4: Flooding, flood risk and groundwater protection zones

P5: Thames Basin Heaths Special Protection Area

E2: Locations of new employment floorspace

D1: Place shaping

D2: Climate change, sustainable design, construction and energy

D3: Historic Environment

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):

G5 Design Code

G1 General Standards of Development

NE4 Species Protection

NE5 Development Affecting Trees, Hedges and Woodlands

### Neighbourhood Plans:

Send Neighbourhood Plan: early stages, has not undergone a Health Check.

### Supplementary planning documents:

Sustainable Design and Construction SPD 2011

Planning Contributions SPD 2017

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Residential Design SPG 2004

Vehicle Parking Standards SPD 2006

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- loss of open space
- housing mix
- affordable housing
- living environment
- heritage asset
- impact on character of area
- impact on neighbour amenity
- impact on highway safety and parking provision
- trees
- impact on biodiversity and protected species
- sustainable design and construction
- flood risk and surface water drainage
- utilities
- Thames Basin Heaths Special Protection Area
- refuse and waste
- legal agreement requirements

### Principle of development

Para 11 of the NPPF sets out presumption in favour of sustainable development. The Council is currently able to demonstrate a 5-year housing land supply. The presumption in favour of sustainable development does not apply and the proposal needs to be considered on its merits. The site is on land inset from the Green Belt, following the adoption of the LPSS 2019.

The Send Neighbourhood plan is in its infancy and has not under gone a health check with the local authority. The emergence of the Send Neighbourhood Plan is acknowledged however no weight can be applied to it at this stage.

The outline application is sought for 29 homes, with access, layout and scale to be considered.

The principle of the development is also subject to the resultant impact on the Thames basin Heaths Special Protection Area (TBHSPA) to which policy P5 of the LPSS 2019 applies.

The site is open space as identified by policy ID4. The loss of open space will be considered in detail below.

The site is protected with an area TPO. The loss of trees and impact on biodiversity will be considered below.

### Loss of open space

The site is designated as Open Space in the new Local Plan. The basis of this was the Assessment of Sites for Community Value, which looked at open spaces within villages proposed to be inset to see if they had public value. Whilst noting evidence of formal access into the site it took account of the private nature of the site. Site is woodland - sycamore dominated semi mature trees with nice understorey, some very mature oak and chestnut trees. View in and out of site. Site has aesthetic and biodiversity value."

The study noted that "Partial development could retain and potentially improve amenity value". Therefore, the site is designated for visual amenity only. If development retains the visual amenity value and includes some level of access, it could be argued that the open space value of the site is increased.

Whilst representations made make reference to use of the site it must be made clear that the site is a privately owned parcel of land which does not have public access across it.

Policy ID4 of the LPSS protects open space from development in accordance with the NPPF. Para 97 of the NPPF states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'

Of relevance is a recent appeal decision in Guildford ref: APP/Y3615/W/19/3239744 the inspector makes reference to where loss of open space maybe acceptable:"Paragraph 97b of the Framework permits the loss of open space if it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. However, as confirmed by the Courts, there are circumstances where equivalent quantity would be too restrictive and would, if applied to the letter, prevent sensible development when in reality there has been no overall loss."

In the case of the application site, the land is identified as open space. The proposed development would result in the retention of 62% of the woodland. The development would result in the loss of open space and is therefore contrary to local plan policy ID4.

Due to the private nature of the land its value lies in its visual amenity as reported in the Councils open space assessment. The proposal to develop part of the site to provide housing would include providing public access through the site and retained woodland via pathways to the waters edge. In making the site publicly accessible and providing open space the value of the open space would be significantly increased. Significant weight is apportioned to the provision of public access through the site.

### Housing mix

The Council is able to demonstrate a five-year housing land supply with an appropriate buffer. In addition to this, the Government's recently published Housing delivery Test indicates that Guildford's 2018 measurement is 75%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (25%).

Housing mix:

Policy H1: Homes for all  
Housing mix and standards

(1) 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. New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location.

The outline application identifies the following indicative housing mix:

6 x 1 bed  
8 x 2-bed  
10 x 3 bed  
5 x 4 bed

Based on the following:

Indicative house types	Proposed		Proposed		SHMA	
	Affordable(A)	Market (M)	A	M	A	M
1 bed	6	0	50%	0%	40%	10%
2 bed	4	4	34%	24%	30%	30%
3 bed	2	8	16%	47%	25%	40%
4 + bed	0	5	0%	29%	5%	20%

Following consultation with the Housing manager the above indicative housing mix is acceptable.

The developer has confirmed that they would accept a clause in the s106 agreement for the affordable housing tenure mix to be compliant with Policy H1: Homes for All and the SHMA 2017 recommended mix. The developer has confirmed that an Affordable Housing provision of 40% of the total units would be provided, which complies with policy H2 of the LPSS 2019. Policy H2 seeks a tenure split of at least 70% affordable or social rent to meet the need identified in the SHMA, which would work out as 8 social/affordable rent and 4 intermediate homes. This will be the subject of a s106 obligation.

Policy H1 also requires all new residential development to conform to the nationally prescribed space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG). The scheme's compliance would be assessed at reserved matters stage. An informative is recommended advising that a space standards matrix for each unit type will be required as part of a reserved matters application.

Policy H1 requires 15% of new residential development (on sites of 25 homes or more) to meet the Building Regulations 'accessible and adaptable dwellings' M4(2) or 'wheelchair user dwellings' M4 (3) standard to help meet future housing stock identified accommodation needs. This can be secured by condition.

#### Affordable Housing

The requirements under Policy H2 of the adopted Local Plan require at least 40% of the homes to be affordable. 40% of homes would result in 11.6 homes. In accordance with policy this is rounded up to 12 affordable homes.

Policy H2 (4) sets out the requirement for at least 70% of the affordable homes to be provided for affordable rent. This amounts to 8 homes. The remaining 4 affordable homes would be required to be delivered as Shared Ownership.

The affordable housing mix was amended from its original submission to try to closer meet the mix identified in the Strategic Housing Market Assessment, for 40.9% of homes to be 1 bedroom, 31.7% to be 2 bedroom, 23.9% to be 3 bedroom and 3.5% to be 4 bedroom. This application provides the affordable mix of 50% of 1 bedroom, 34% of 2 bedroom and 16% of 3 bedroom homes.

#### Location and clustering

The Housing Manager has advised that the homes should be delivered in at least two groups/clusters to encourage a mixed and sustainable community and should be indistinguishable from the market housing (tenure blind). The amended scheme results in two areas of affordable housing encouraging a mixed community.

The S106 agreement will secure the mix of tenure and the provision of affordable housing by a Registered Provider of Social Housing.

#### Living environment

Each dwelling is afforded either communal or private open space in addition to the surrounding public woodland area. Adequate spacing exists between buildings. The reserved matters for appearance will consider window openings/orientation and use of room.

Living environment will be assessed at reserved matters.

#### Nationally Described Space Standards NDSS

To ensure adequate living space is provided the scheme must comply with the NDSS. The applicants have provided a NDSS matrix to confirm the schemes compliance.

<u>Plot</u>	<u>House Type</u>	<u>Area</u>	<u>NDSS Area</u>
1	3b5p	93sqm	93sqm
2	3b5p	93sqm	93sqm
3	3b5p	93sqm	93sqm
4	3b5p	93sqm	93sqm
5	2b4p (f)	70sqm	70sqm
6	2b4p (f)	70sqm	70sqm
7	4b6p	138sqm	124sqm
8	3b5p	94sqm	93sqm
9	3b5p	93sqm	93sqm
10	3b5p	93sqm	93sqm
11	3b5p	94sqm	93sqm
12	4b6p	138sqm	124sqm
13	4b6p	136sqm	124sqm
14	1b2p (f)	50sqm	50sqm
15	2b4p (f)	70sqm	70sqm
16	1b2p (f)	50sqm	50sqm
17	2b4p (f)	70sqm	70sqm
18	1b2p (f)	50sqm	50sqm
19	2b4p (f)	70sqm	70sqm
20	1b2p (f)	50sqm	50sqm
21	2b4p (f)	70sqm	70sqm
22	3b5p	93sqm	93sqm
23	3b5p	93sqm	93sqm
24	1b2p (f)	50sqm	50sqm
25	1b2p (f)	50sqm	50sqm
26	2b4p (f)	70sqm	70sqm
27	2b4p (f)	70sqm	70sqm

<u>28</u>	<u>4b6p</u>	<u>138sqm</u>	<u>124sqm</u>
<u>29</u>	<u>4b6p</u>	<u>138sqm</u>	<u>124sqm</u>

#### Heritage asset

The Wey Navigation in Guildford is a designated heritage asset along its route and runs through several conservation areas, including the Wey and Godalming Navigations Conservation Area.

The proposed development includes three waterfront seating/boating areas as shown on the landscape design strategy plan. Potentially these areas could be an attractive feature of the development which would encourage recreation along the Wey Navigation in line with the National Trust's objectives. The Trust particularly welcomes the opportunity which the development affords to remove the rampant invasive bamboo which has spread along the bank and across the waterway from the application site. With the removal of bamboo the Trust would wish to see the applicants give a commitment to tree and bush vegetation management so as to maintain screening of the proposed housing from the Navigation.

The build form of development is located to the southern part of the site with a significant woodland belt retained to the boundary along the river edge. The proposed development due to its two storey scale and siting away from the river would not result in harm to the setting of the Conservation Area.

Any bank alignment would require the permission of the National Trust and would be the subject of condition.

Landscaping is one of the reserved matters. The landscaping detailing would be submitted and assessed at reserved matters stage and subject to conditions.

#### Impact on the character of the area

Appearance and landscaping are the subject of future reserved matters application/s. The impact on the character of the area has been assessed on the access, layout and scale applied for.

The site is currently a woodland, with younger specimens in the centre of the site and the majority of mature trees located around the boundaries. The green and sylvan appearance of the site positively contributes to the character of the area, both when viewed from Heath Drive and from the River Wey and countryside beyond. The proposed development is located to the southern part of the site with the scheme retaining the mature trees to the boundaries, including along the boundary with the River Wey navigation. A significant woodland would be retained providing a buffer between the development and the river Wey navigation and the countryside beyond.

Landscaping the subject of a future reserved matters application would be expected to enhance the woodland through the planting of native species and the management of the areas to ensure that any impact of the development is limited.

On approach into the site from Heath Drive the internal roadway would shortly after entry bear to the west providing scope for a focal view of mature tree planting from Heath Drive. This would retain the green and sylvan character when viewing the site from the south/entrance. Directly to the west of the entrance existing mature trees are shown to be retained with the built development shown outside of the root protection area. An indicative landscape buffer is shown to the southern boundary adjoining properties along Send Road and Heath Drive.

Subject to suitable soft landscaping, agreeing species and size, the proposal would provide an appropriate transition between the urban area, the river and the countryside beyond.

The layout of the development would respect the historic linear pattern of Send Road. Development in the form of a four house terrace with parking forecourt would be located to the east of the access road on entry into the site, The access road then splits in two, continuing westwards in one direction and north-easterly in the other. As the internal road bears to the west development would be located on the southern side of the access road fronting woodland to the north, with the road way terminating in a shallow 'Y' to provide sufficient turning for refuse vehicles. The development would comprise five detached houses, one block of three flats and a pair of semi detached dwellings. The road towards the north east would have development on both sides, set back from the access drive, terminating with space for turning. The development to the north would comprise a two storey flatted block of 'affordable housing, respecting the curved nature of the road. To the east a pair of semi detached dwellings linked to a flatted block. Further north one flatted block and two detached dwellings would be located to the eastern side of the access road. Whilst landscaping is a reserved matter to be considered at a later stage the proposed layout identifies swaths of amenity space in addition to private amenity space. The layout allowing for significant landscaping is not considered, subject to conditions and reserved matters to result in unacceptable harm to the character of the area.

#### Impact on residential Amenity

##### 7 Heath Drive

The development is located directly to the north of the side boundary of 7 Heath Drive. The nearest properties would be located to the north with sufficient rear garden depth in addition to a buffer zone of trees.

##### 10 & 12 Heath Drive

The development is located directly to the north of the common boundary. A communal parking area is shown to the north of 12 Heath Drive, a buffer exists to allow for sufficient planting to mitigate any harm to the residential amenities of the occupants. Plot 1 is shown to be end on to the common boundary. Set back from the boundary it would give rise to oblique and not direct views into 10 and 12 Heath Drive. It would be reasonable to condition any first floor window to be obscure glazed and fixed shut below 1.7m measured internally from the floor level of the room it serves.

##### Send Road properties

The rear gardens of properties along Send road, adjoining the application site would not be adversely affected due to the buffer zone shown along the southern part of the site between the proposed residential curtilages and the site boundary.

##### Land to the east

No harm to amenity is identified due to the sufficient garden depths on top of a tree buffer with existing mature trees to be retained to the eastern boundary of the application site.

## Highways

Surrey County Council Highways have advised that the proposal of 29 dwellings, comprising of 15 houses and 14 flats, provides sufficient parking within the site and space is available for all vehicles to turn so they may enter and leave the site in forward gear. A tracking plan has been provided which demonstrates that a waste collection vehicle can enter and leave the site safely in forward gear. The traffic island and VASs will provide a safer route to/from the site for both pedestrians and drivers. Conditions are recommended to encourage sustainable modes of travel. The Highway Authority considers that the proposal is unlikely to lead to a significant increase in vehicle movements and as such the proposal is unlikely to have a material impact on highway safety issues.

The access is taken from a natural termination in Heath Drive, which will extend into the site. The internal road will shortly upon entering the site split to the left and right.

50 parking spaces are shown, an over provision of 2 spaces based on the parking standards. This is acceptable.

No objection is raised on highways safety or parking grounds subject to conditions.

## Trees

The current site is a woodland, a Tree Preservation Order extends across the entire site affording protection by way of an Area Order (TPO 5 of 1997). The Order was placed following an extensive felling activity which took place during a weekend in August 1997. The site currently comprises of mature trees around the northern and western boundaries and the central area comprising of open areas and areas of 20+ years of coppice regrowth from the stools of previously felled trees. The woodland is predominantly deciduous and is adjacent to the River Wey Navigation.

There are 56 habitats recognised as of 'principal importance' for the conservation of biological diversity in England under section 41 of the Natural Environment and Rural Communities Act 2006. This entire site is designated as a habitat of principle importance - Deciduous Woodland.

Section 40 of The Natural Environment and Rural Communities (NERC) Act 2006 places a legal obligation on Local Authorities in England to have regard to particular living organisms and types of habitat which are of the greatest conservation importance whilst carrying out their functions.

The Council's tree officer has advised that central area of the site which where the proposed development is shown to be located, comprises predominantly low species diversity, with the majority being Sycamore and of a similar age class. The provided ecological reports describe the woodland to be removed for the development as of limited ecological value due to its current condition. It has low potential to improve in condition in the short to medium term without active management, due to its low structural and species diversity and severe lack of understorey and ground flora. To compensate the loss of the central area, it is proposed to enhance the retained woodland to improve its biodiversity value. This would be secured by condition.

This area of woodland has greater potential to support birds and other wildlife, and to develop a more diverse and natural structure through active management and removal of introduced shrubs. The most ecologically significant features currently within woodland to be lost are the areas of fallen deadwood. Conditions are recommended to enhance biodiversity through native planting and management. The development would enable the retained areas of woodland to be the subject of conditions ensuring the active management and increased biodiversity of the site, which is presently unmanaged.



The tree officer has advised that he would support the idea to reduce recreational pressure on the retained woodland and increase species diversity, with the proposal that a dense native species rich understorey comprised of suitable species of local provenance will be planted along the boundary of the development area adjacent to the woodland to the north and west. This understorey planting will have dedicated gaps within it for the designated paths through the woodland to the viewing points on the river. The removal of non-native shrubs such as Rhododendron and bamboo will help to further enhance the condition of the woodland. This would be set out in the reserved matters landscaping details and secured by condition.

The tree officer has advised that the Tree Impacts Plan (TIP 05) indicating groups of trees within the gardens to be retained is not a viable option. Instead recommending the removal of the majority of the trees within the developable area and requiring planting of appropriate species to create a 'woodland feel' within the landscape plan. All new planting will be afforded Tree Preservation Order protection to ensure trees are not removed post development.

The development must be assessed against Policy NE5, which states: 'Development will not be permitted if it would damage or destroy trees protected by a Tree Preservation Order or in a conservation area unless the removal would:

1. Be in the interests of good arboricultural practice; or
2. The need for the development outweighs the amenity value of the protected trees.

If the removal of any trees is permitted as part of a development, a condition may require that an equivalent number (or more) of new locally native trees be planted either on or near the site.'

The removal of any trees for development is always regrettable. However, as in the case of this application, where the overall ecological value and biodiversity of the remaining woodland could be enhanced through management and additional tree planting the benefits can be said to tilt the balance of harm identified through removing an area of woodland which is currently identified as having 'lower biodiversity' value.

Subject to conditions no objection is raised on the removal of trees within the developable area.

### Ecology and biodiversity

#### Biodiversity

A very small part of the edge of the site may fall within the River Wey BOA. The BOAs replaced the BAPs (since 2012). As the site is adjacent to the BOA, policy ID4 is engaged and the biodiversity gains required under ID4 should seek to support the BOA, unless this is not appropriate. The rest of the site does not have any environmental designations in the Local Plan. The NE Magic Map identifies the site as being covered by "Priority Habitat Inventory - Deciduous Woodland. The development of part of the site offers the ability to secure biodiversity enhancements of the remaining site and the removal of non native species. To be secured by condition planting and management will result in biodiversity gain.

In response to comments received by the Surrey Wildlife Trust the applicant confirmed that a more recent walkover undertaken by UEEC on 25 March 2019 recorded the site to be in a similar condition as to when the Preliminary Ecological Appraisal (PEA) was carried out in 2017". The other ecology reports generally include an indicative shelf life of c.2yrs, so if there is a significant delay to commencement a further update survey may be required. However, at the present time the conclusions and recommendations in our reports are still appropriate. The application proposes that retained woodland is enhanced through improved management including selective thinning and removal of some of the sycamore and all non-native species (rhododendron, bamboo, Japanese knotweed and Himalayan balsam).

With regard to reptiles the applicant's ecologist has proposed that an in-situ translocation would be the best option ecologically, suggesting the north-east of the site as appropriate subject to recommendations to ensure the area is suitable to receive reptiles . It is reasonable to condition details prior to the submission of reserved matters to confirm an in-situ translocation.

No objection is raised on biodiversity and ecology grounds subject to suitably worded conditions.

The proposed enhancements to biodiversity and a native planting scheme, in conjunction with the removal of non native species would increase the biodiversity value of the site. This is given significant weight.

#### Sustainable design and construction

Policy D2 of the LPSS sets out a range of requirements, including one where new buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent measured against the relevant Target Emission Rate.

The applicant has submitted an Energy and Sustainability Statement demonstrating that the development can comply with policy D2 of the Local Plan.

The proposed dwellings would be developed in accordance with the energy hierarchy, which aims to reduce energy demand through passive design measures and a fabric first approach before utilising low carbon energy and the production of on-site renewable energy. The energy and sustainability statement identifies the use of Solar PV in addition to fabric improvements to achieve at least a 20 percent reduction.

Given the outline nature of the application and to ensure that each dwelling benefits from at least a 20 percent reduction in carbon emissions rather than the development as a whole, it is reasonable to secure full compliance with policy D2 of the LPSS by condition.

The Statement also notes that the proposal will aim to reduce water consumption through a range of water efficiency measures installed into the properties. The applicant has confirmed that the proposal would meet the Council's target of reducing water consumption.

#### Flood risk and surface water drainage strategy

The built development of the site and access falls within Flood Zone 1, with a small element to the north-east falling within Flood Zone 2. Flood Zone 1 is land identified with a low probability of flooding. The built development proposed will not extend into flood zone 2. Development within Flood Zone 1 is acceptable in flood risk terms.

Surrey County Council as the Lead Local Flood Authority have confirmed no objection subject to conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

The Environment Agency refer to standing advice.

No objection subject to conditions.

## Utilities

No details have been provided at this stage. Policy D1(11) of the LPSS requires that the site is serviced with fibre to the premises (FTTP). This can be secured by condition.

## Thames Basin Heaths Special Protection Area and Appropriate Assessment

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The application proposes a net increase of 29 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council'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. The Council presently has capacity at Parsonage Water Meadows for this development. The development therefore meets the appropriate assessment test.

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 and raise no objection subject to compliance with the TBHSPA mitigation strategy.

It is therefore concluded that subject to the completion of a legal agreement securing SANG and SAMM mitigation the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of the Habitats Regulations 2017.

## Refuse and waste

No objection has been raised by the Council's refuse and waste team who are satisfied that the tracking provided is acceptable.

## Legal Agreement Requirements

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

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

### *Thames Basin Heaths Special Protection Area*

As the application would result in the net gain of 29 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.

### *Affordable Housing*

The requirement for affordable housing has been set out above. The legal agreement would secure the provision of the number of affordable units (12), 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. The development should mitigate these impacts. Surrey County Council has requested contributions towards early years, primary and secondary school provision.

Surrey County Council as the education authority has provided three projects (early years, primary and secondary) which the contributions sought would be allocated to and which are considered to be reasonable and directly related to the development.

### *Open Space*

The indicative masterplan identifies footpaths through the woodland drawings. In the absence of full details due to the outline nature of the application it is both reasonable and necessary that a clause is included in the S106 which secures the provision of areas of open space, within the site, in perpetuity. A plan shall be submitted identifying the land which shall be publicly accessible for the purposes of public open space and informal recreation, detailing specification; management and maintenance, and maintained in perpetuity. This provision is necessary and directly related to the development. In the event that it is not possible to provide play space on site appropriate to the scale of development a clause is necessary to secure contributions towards off site provision of play space.

### *Heads of terms*

Having regard to all the above, in the event that the application be approved the following should be secured by a Planning Obligation:

- the delivery of 12 affordable housing units (a minimum of 70% to be affordable rent with the mix as agreed by the Housing Development Manager);
- provision of SANG and SAMM Contributions in accordance with the formula of the updated tariff;
- open space provision on site in perpetuity
- a contribution towards play space
- contributions towards an early years project; a primary education project; and a secondary education project in accordance with the formula;

- a contribution of £30,000 for the implementation of a traffic island between Potters Lane and Heath Drive and the erection of Vehicle Activated Signs

### **Conclusion.**

The site is inset from the Green Belt. The site is identified as Open Space and recognised for its visual amenity and biodiversity value and is the subject of a woodland Tree Preservation Order (TPO) and is adjacent to the Wey and Godalming Navigations Conservation Area. It lies within 400m-5km of the Thames Basin Heath Special Protection Area. The application seeks to provide 29 dwellings of which 12 would be affordable. The mix and tenure would be secured by a legal obligation. The application whilst outline, (reserved matters are landscaping and appearance) demonstrates that 29 units can be successfully accommodated within the site. The collective benefits of providing public access through the woodland, biodiversity enhancement, replacement tree planting, removal of non native planting and management of the woodland in addition to the provision of 12 affordable units would out weigh the identified harm through the loss of the open space and trees.

This application is the subject of a non determination appeal. The Council are therefore unable to formally determine the application. Instead the Council must resolve to what they would have done had they been in the position to determine this application. Subject to the conditions and the completion of a s106 Agreement committing to the Heads of Terms noted above, the application is deemed to be acceptable and had an appeal not been lodged against non determination, the application would have been recommended for approval.