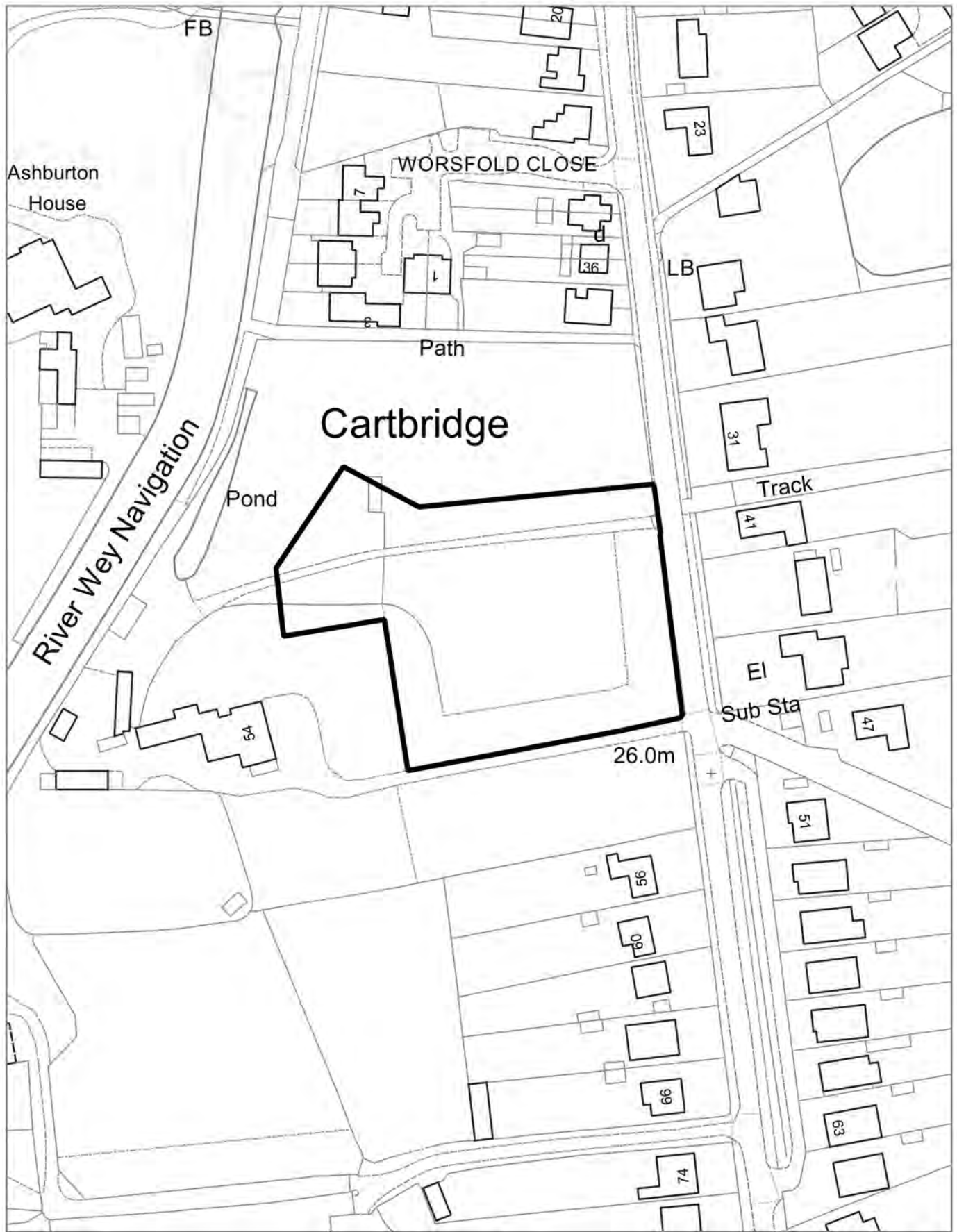


# 19/P/02237 - Land Adjacent To, Pembroke House, 54 Potters Lane, Send, Woking



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Not to Scale



GUILDFORD  
BOROUGH

19/P/02237 Land adjacent to Pembroke House, 54 Potters Lane, Send



Not to scale



**App No:** 19/P/02237  
**Appn Type:** Full Application  
**Case Officer:** Katie Williams  
**Parish:** Send  
**Agent :**

**8 Wk Deadline:** 11/11/2020

**Ward:** Send  
**Applicant:** Mr M. Hendy  
Shanly Homes Ltd  
21 The Crescent  
Leatherhead  
KT22 8DY

**Location:** Land adjacent to, Pembroke House, 54 Potters Lane, Send, Woking, GU23 7AL  
**Proposal:** Erection of 10 houses (2 x 2 bed dwellings, 7 x 3 bed dwellings and 1 x 4 bed dwelling) with associated landscaping, parking and vehicular access. (Amended description and amended plans received 9 July 2020)

### **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**

Proposal seeks permission for 10 new dwellings

Proposed housing mix:

2 x 2 bed  
7 x 3 bed  
1 x 4 bed

Parking:

a total of 22 spaces:

5 parking spaces provided within car barns allocated to plots 1, 2, 3, 4, and 5  
17 additional parking spaces, including 2 visitor spaces

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

The site is inset from the Green Belt, located within the Send boundary.

The site currently consists of paddock land associated with 54 Potters Lane. There are mature trees to the west and north of the site and along the frontage with Potters Lane. The Wey Navigation runs to the west of the site and there is a public footpath running along the northern edge of the site which links Potters Lane to the Wey Navigation.

Vehicular access would be provided from Potters Lane.

The site is within the 400m to 5km Thames Basin Heath Special Protection Area buffer and lies within flood zone 1.

The proposal represents a well designed scheme in a sustainable location and would provide a net increase of 10 dwellings contributing to meeting the Council's housing need. The provision of housing is a benefit in the balance.

Subject to conditions and a S.106 Agreement committing to the Heads of Terms noted below, the application is deemed acceptable and is recommended for approval.

**RECOMMENDATION:**

**(i) That a S106 Agreement be entered into to secure the provision of: SANG and SAMM Contributions and Open Space contributions in accordance with the formula of the updated tariff; £20,000 to go towards a new wooden Littlethorpe bus shelter and a contribution of £24,000 towards Rights of Way improvements within the vicinity of the site, including surfacing Public Footpath 52.; Education contributions as specified by Surrey County Council.**

**If the terms of the S106 or wording of the planning condition 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.**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1350.PLN.100 received 24 December 2019 and amended drawings: 101 REV D, 102 REV C, 103 REV C, 104 REV C, 105 REV C, 106 REV C, 107 REV C, 108 REV B, 1910063-01 Rev B and 1910063-04 received 9 July 2020 and additional drawing no.110 received 16 October 2020.

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

3. No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

4. No work shall take place until detailed drawings and/or samples of all new internal and external joinery details including windows (depth of reveal, method of opening, details of heads, cills and lintels), doors frames (architraves, linings, mouldings and beading). The submitted details be at a scale of not less than 1:20 sample elevations, horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

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

5. 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. 1350.PLN.102 Rev C, 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.

6. No part of the development shall be first occupied unless and until the proposed vehicular access to Potters Lane for plots 1,2,3,6 and 7 has been constructed and provided with visibility zones in accordance with the approved plan Drawing No.1910063-01B, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 600mm high.

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

7. No part of the development shall be first occupied unless and until the proposed vehicular access to Potters Lane for plots 4 and 5 has been constructed and provided with visibility zones in accordance with the approved plan Drawing No.1910063-04, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 600mm high.

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

8. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) measures to prevent the deposit of materials on the highway
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

9. The development hereby approved shall not be occupied unless and until 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.

10. The development hereby approved shall not be first occupied unless and until the facilities for the secure 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.

11. No development shall take place until a detailed site investigation has been carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and taking into account the Preliminary Conceptual Site Model, Phase I Geo-Environmental Risk Assessment, project no. 18-140.03, by Aviron Associates Ltd. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Any remediation scheme submitted in accordance with the above condition shall be carried out as detailed in the submitted investigation. Documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the first occupation of the houses hereby permitted.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

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

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

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels during the seasonal high.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development.
- 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.

15. 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.

16. Prior to the commencement of development, 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 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 the Council's Climate Change, Sustainable Design, Construction & Energy SPD 2020

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

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

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

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

19. No development shall take place until full details, of both hard and soft landscape proposals, to include details of new / replacement tree planting (including number, type, size and species of tree) and including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority.



The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

20. 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.

21. The garages / car barns shall be used solely for vehicle parking and for the benefit of the occupants of the dwelling/s of which they form part and their visitors and for no other purposes and shall be permanently maintained for that purpose.

Reason: To ensure that satisfactory parking provision is retained within the development.

22. Prior to the commencement of development, in addition to the proposed biodiversity mitigation proposals set out in 'Landscape and Design Statement and Masterplan (received 9 September 2020), a detailed landscape and ecological management plan (LEMP) for the public areas of the site must be submitted to and approved in writing by the Local Planning Authority. The LEMP should include adequate details of proposed impact avoidance, mitigation and enhancement and include details of the following:

- Full details of planting plan proposals including location of plantings and species numbers.
- How habitats will be managed in the future, techniques and works schedules.
- Who will undertake the maintenance of habitats on site.
- How ongoing maintenance and monitoring will be undertaken and financed.

The development shall be implemented in accordance with the agreed LEMP.

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

23. No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the local planning authority. This plan shall detail the works to be carried out showing how the environment/habitats will be protected and any potential impact mitigated during the construction of the development.

The development shall be carried out in strict accordance with the approved method statement.

Reason: To ensure the adequate protection of statutory protected species and habitats.

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

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

#### **Informatives:**

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

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

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

3. 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. Thames Water 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 [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
4. 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>
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [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).
6. 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).
7. 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>.
8. 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.

9. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
  
10. 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.

## **Officer's Report**

### **Site description.**

The site lies within the settlement of Send which has been inset from the Green Belt following the adoption of the 2019 Local Plan. The site is within the Corridor of the River Wey and is adjacent to the Wey Navigation Conservation Area. It is also within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The application site comprises paddock land currently associated with Pembroke House at 54 Potters Lane, Send. There is an existing access from Potters Lane and a tree-lined driveway leading to Pembroke House. The Potters Lane frontage is marked by trees and hedging forming the eastern boundary of the site. The surrounding area includes residential properties along Potters Lane and the River Wey Navigation is behind the site to the west. There is a public footpath running along the northern boundary of the site which links Potters Lane to the Wey Navigation.

### **Proposal.**

Erection of 10 houses (2 x 2 bed dwellings, 7 x 3 bed dwellings and 1 x 4 bed dwelling) with associated landscaping, parking and vehicular access. (Amended description and amended plans received 9 July 2020)

#### Amended plans (received 9 July 2020)

These show a revised layout for the dwellings, with the dwellings on Plots 1 to 5 repositioned closer to Potters Lane. An additional access is also proposed to serve Plots 4 & 5. The housing mix has also been amended slightly as set out above.

The proposed dwellings are to be positioned to the southern side of the plot with the mature trees to the northern and western sides of the plot to be retained. An existing pond to the western edge of the site is to be retained.

#### Landscape Masterplan and Design Statement (received 9 September 2020)

This shows the landscape proposals for the site including new tree planting, biodiversity enhancement measures and mitigation measures for loss of habitats including bird and bat boxes.

#### **Parking:**

22 spaces proposed

2 x 2 bed dwellings (Plots 1 & 2): 4 spaces (2 per dwelling)

7 x 3 bed dwellings: (plots 3, 4, 5, 6, 8, 9 & 10) 14 spaces (2 per dwelling)

1 x 4 bed dwelling (Plot 7): 2 spaces

Visitor spaces: 2

There is also additional driveway space for additional parking for plots 6 to 10.

### **Relevant planning history.**

None relevant.

### **Consultations.**

#### Statutory consultees

County Highway Authority:

- recommends an appropriate agreement should be secured before the grant of permission seeking:
  - (a) A contribution of £20,000 to go towards a new wooden Littlethorpe bus shelter on the opposite side towards Woking. This will include a Real Time Passenger Information with associated electrical power supply connection.
  - (b) A contribution of £24,000 towards Rights of Way improvements within the vicinity of the site, including surfacing Public Footpath 52.
- Further to the receipt of amended plans (received 9 July 2020 the CHA has confirmed no objection to the application subject to the above contributions being secured and recommended conditions.
- The visibility splays are satisfactory
- According to the transport statement the development is expected to produce an additional 50 vehicular movement per week. This increase in vehicular trips is unlikely to affect the highways network significantly.
- The S106 contributions and conditions 3 and 4 have been included to provide sustainable modes of travel to/from the site.
- The rights of way improvements will include surfacing FP52 to allow access all year round.

Thames Water:

- No objection. Informatives recommended.
- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Local Lead Flood Authority (LLFA) - SCC SUDS:

No objection, subject to recommended conditions.

County Archaeologist (Surrey County Council):

- No objection.
- Recommend condition to secure archaeological evaluation and any further work that may be required.

### Internal consultees

Head of Environmental Health and Licensing:

- No objection subject to conditions relating to land contamination and the provision of electric vehicle charging points.

### Non-statutory consultees

Surrey Wildlife Trust:

Comments received 29 July 2020

- we would advise the Local Authority, that should they be minded to grant this planning application for this site, the applicant should be required to undertake all the recommended 'Mitigation' actions for both Construction and Operational phases of the proposed development in section 7 of the EIA Report for habitat and species protection, including the biodiversity enhancements detailed in section 8.
- this will help prevent adverse effect to legally protected species resulting from the proposed development works and help to off-set adverse effects to the biodiversity value of the site resulting from the proposed development.

Comments received (15 October 2020) in response to additional ecological information:

- we would advise the Local Authority to seek further explanation from the applicant to satisfy themselves that biodiversity net gain can be achieved post development by the proposed development.
- the applicant's Landscape and Design Statement and Masterplan provides useful additional information regarding the applicant's proposed biodiversity mitigation proposals, however further information is required.
- Construction Environmental Management Plan required.

### Send Parish Council

Objects

- Send Parish Council is very concerned about the volume of applications for multiple dwellings that have been received since the adoption of the Guildford Local Plan in April 2019. The Guildford Borough Council Site Delivery Plan has the 665 houses for the Local Plan allocated sites in Send to be delivered by 2025. This will see the village grow by over one third within only five years with no clear plan from the responsible authorities for the expansion of infrastructure and services, which are already at capacity today. Any additional homes beyond those allocated in the Local Plan, place additional pressure on that same infrastructure and services.
- There is no infrastructure to support the planned houses let alone additional ones. It was promised that the infrastructure would be in place prior to the houses being built, but this has not been delivered.
- The proposal represents an unacceptable form of back-land development which is out of keeping and detrimental to the established pattern of development in the area and is out of character with the surrounding area. It would also result in the loss of a green space in the village.
- This proposal represents overdevelopment of the plot with ten houses being far too high a density for a garden development.
- The proposal is at a narrow part of Potters Lane where traffic speed is already an issue.

- The site is adjacent to National Trust land and the River Wey navigation corridor from which the development would be visible and it would spoil the rural environment.
- The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA).
- Parking is a big issue in the road and the area outside this property is used by residents with no private parking and also leisure users for the river.
- There are only two visitor spaces proposed and limited turning areas for delivery vehicles.

Following the receipt of amended plans an additional letter has been received from Send Parish Council reiterating their original comments and making the further points:

- This revised application has moved the properties closer to the road and has reduced the number of parking spaces by five spaces, leaving inadequate parking for both residents and visitors.
- There should be at least 20 spaces provided and therefore for this reason alone the site and layout should not be considered.
- The proposed parking does not meet the current or future Guildford parking standards or those of the emerging Send Neighbourhood Development Plan.
- There is no capacity on Potters Lane to support additional on street parking from residents and visitors to this development and it would cause severe nuisance to residents.

#### Amenity groups/Residents associations

National Trust:

- the Trust is satisfied that it would not impact directly on the River Wey Navigation nor would it adversely affect the character and setting of the Navigation and of the River Wey Corridor.
- The Trust notes that it is proposed to dispose of surfacewater by means of soakaways. Given that these soakaways would be located to the west of the application site, in an area susceptible to flooding, the Trust is concerned that draining to this area could exacerbate waterlogging. If this were to occur there is a risk that the Navigation towpath could be undermined which would increase the maintenance burden for the National Trust.
- As an alternative drainage solution, the Trust suggests that the applicants consider installing an outfall to the River Wey to discharge surfacewater.

#### **Third party comments:**

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

- increase in traffic on already congested roads
- rural lane cannot cope with additional vehicles
- Send is under great pressure from increase in planning applications for new houses, the roads, schools, GP surgery and shops cannot cope.
- will ruin the rural character of Potters Lane
- need a suitable transport and road use plan in place before further development
- impact on flooding
- loss of habitat for wildlife
- impact on highway safety including pedestrian safety
- loss of parking for residents of Potters Lane who have no off-street parking and loss of parking for River Wey users
- lack of access / parking for builder's vehicles
- nuisance from car headlights to neighbouring properties

- overdevelopment, not in keeping with existing houses and character of Potters Lane
- these houses are in addition to the 600 plus houses allocated for Send in the new Local Plan, further housing is not required
- noise and disturbance and loss of privacy to neighbours
- impact on Thames Basin Heath SPA
- insufficient parking for new dwellings / lack of visitor parking
- loss of visual amenity
- does not include affordable housing provision, does not address the shortage of social housing
- will change the character of the lane, setting a precedent for future development
- application for development of 5 houses at 90 Potters Lane recently rejected
- lack of access for delivery vehicles/ refuse vehicles
- area of beauty near River Wey will be spoilt
- additional pressure on utility services infrastructure
- the land was until recently part of the Green Belt

Following the receipt of amended plans 42 additional letters have been received reiterating the original comments and making the further points:

- the sightlines for the access don't take into account cars parked along the road which would obstruct the sightlines
- new layout bringing the houses forward has degraded the proposed development further
- insufficient parking, forcing further parking along Potters Lane
- loss of further trees and habitat by bringing the houses forward
- further loss of wildlife
- houses are too high compared to residences on the other side of Potters Lane which are often single storey
- some of the proposed parking has been removed
- impact on grass snakes

### **Planning policies.**

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

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

#### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area



## Guilford Borough Local Plan: strategy and sites 2019 (Local Plan 2019):

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 6.42 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's most 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.

S1	Presumption in favour of sustainable development
S2	Planning for the borough - our spatial development strategy
H1	Homes for all
H2	Affordable homes
P4	Flooding, flood risk and groundwater protection zones
P5	Thames Basin Heaths Special Protection Area
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

Following the adoption of the Guildford Borough Local Plan: strategy and sites, until the local plan Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan.

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

G1 (3),(4), (8), (11), (12)	General Standards of Development
G5 (2), (3), (4), (5), (7), (8), (9)	Design Code
G11	Corridor of the River Wey
NE4	Species Protection
NE5	Dev. Affecting Trees, Hedges & Woodlands
R2	Recreational Open Space in Large Resid.

## Neighbourhood Plans

### Send Neighbourhood Plan:

The Plan has been through examination and the Examiner's Report has been published and a decision statement has been issued by the Council. The Plan therefore now carries significant weight.

### Policies:

- SEND 1 - Design
- SEND 2 - Housing development
- SEND 4 - Green and Blue Infrastructure

SEND 7 - Supporting sustainable transport  
SEND 8 - Car parking provision

### Planning Practice Guidance

#### Supplementary planning documents:

Climate Change, Sustainable Design, Construction & Energy SPD 2020  
Planning Contributions SPD 2017  
Planning Contributions SPD 2017  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2017  
Residential Design SPG 2004  
Vehicle Parking Standards SPD 2006  
Guildford Landscape Character Assessment 2007

#### Other guidance:

Surrey County Council Vehicular and Cycle Parking Guidance 2018

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- housing need and the mix of dwellings proposed
- affordable housing
- design and character
- living environment for future occupiers
- the impact on neighbouring amenity
- the impact on highway safety and the level of parking
- the impact on trees and vegetation
- sustainable design and construction
- the impact on biodiversity and protected species
- the impact on the Thames Basin Heaths Special Protection Area
- archaeology
- contaminated land
- flooding and land drainage
- legal agreement requirements

### The principle of development

With the adoption of the new Local Plan, this site is no longer designated as being within the Green Belt.

The principle of 10 dwellings on this site is therefore acceptable, subject to compliance with the detailed requirements of the above policies and subject to the resultant impact on the Thames Basin Heaths Special Protection Area (TBHSPA) to which policy P5 of the Local Plan applies.

### Housing need / mix

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. 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%).

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.

It is important to note that Policy H1(1) is not intended to be applied in a prescriptive manner. It is a broad assessment of the needs required over the plan period and should be used to guide development proposals. However in applying the mix consideration needs to be given to site specific matters which together will shape the appropriate mix on particular sites.

*Proposed mix:*

Total Housing mix	No.	SHMA % req	Provided %
1 bed	0	20	0
2 bed	2	30	20%
3 bed	7	35	70%
4 bed	1	15	10%
Total	10		

*(table 1)*

In terms of the overall mix of the proposal, as shown in table 1 above, the mix is generally close to what the SHMA requires for the borough for 2 and 4 bed units, with a higher proportion of 3 bed units than required by the SHMA.

Overall the housing mix would comprise a greater mix of larger 3 bed units and no 1 bed units. Given that it is relatively small sized site and its location on the edge of Send village, comprising mainly of housing, it is considered that the proposed overall housing mix would complement the local context.

There are no 1 bed units proposed. However these smaller 1 bed units are expected to be delivered in a town/district centre locations (particularly in the town centre which will mainly deliver flatted development), larger sites with a range of character areas or adjoining a transport hub and 2-4 beds units delivered in the out of town settlements. This is an out of town location, where there is greater demand for: family units, downsizers, first time buyers and relations of people who have grown up in the area. The proposal would meet the demand for a range of 2-4 bed homes by these types of groups. So whilst not strictly complying with the SHMA it is considered that the overall mix of units would be appropriate given the location.

#### Affordable housing

In line with Policy H2 of the 2019 Local Plan which requires the provision of affordable housing on developments of 11 dwellings or more, there is no requirement for affordable housing provision under this application.

## Design and character

Para 127 of the NPPF stipulates that developments:

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

128 stipulates that "design quality should be considered throughout the evolution and assessment of individual proposals".

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

Potters Lane is semi-rural in character and there is a mix of dwellings styles and sizes comprising of detached and semi-detached two storey dwellings and detached bungalows. The site is located towards the northern end of the lane which consists predominantly of smaller dwellings on narrower tighter knit plots, including semi-detached dwellings, compared to the dwellings towards the southern end of the lane which are on larger more spacious plots. Adjacent to the site to the north are dwellings in Worsfold Close which is a small cul-de-sac leading off Potters Lane.

The land subject of this application is associated with 54 Potters Lane, a detached dwelling set back from Potters Lane and accessed via a long access drive leading from the Potters Lane.

There are mature trees and hedging along the frontage which currently screen the site from the street. There are also mature trees to the north and west which screen the site from the public footpath running along the northern boundary and the Wey Navigation to the west. It is important to note that most of the mature trees on the site are to be retained, providing significant screening to the north and west.

Further to officers' concerns regarding the proposed layout originally proposed by this application, which showed a parking dominated frontage and a more cramped layout to the rear of the site, the proposed layout has been amended to show the dwellings on Plots 1 to 5 brought forwards closer to the frontage of the site with Potters Lane. This will provide a development with dwellings fronting Potters Lane which is considered more in keeping with the character of the surroundings, with surroundings dwellings fronting directly on to Potters Lane. This amendment has also resulted in a more spacious layout to the rear of the site, which is more in keeping with the semi-rural character and context of the surroundings.

This revised layout will result in a further new access (two in total) being provided off Potters Lane. Whilst this additional access will result in the loss of a further tree on the frontage, the Council's Tree Officer has raised no objection. Several mature trees will still be retained along the frontage which will soften the visual impact of the development and new replacement tree planting is also proposed within the site. A landscape plan has been provided which shows proposed enhancements and new tree planting. These measures can be secured by condition.

The proposed dwellings will be of a traditional design, incorporating traditional pitched roofs with gable features and traditional materials and detailing, in keeping with surrounding properties in Potters Lane. Parking will predominantly be provided alongside the dwellings including through the provision of car barns (to the rear of Plots 1 & 2 and alongside Plots 4 & 5) and individual

garaging for each of the dwellings on Plots 6 to 10. The proposed parking layout will minimise its visual impact whilst providing sufficient parking for each of the proposed dwellings. The design, size and height of the proposed dwellings and plot sizes, will not be out of character with the surroundings and the retention of the majority of existing trees will ensure the development sits comfortably in the context of the surroundings and will ensure the semi-rural character of the area is not adversely affected.

The mature trees to be retained to the western edge of the site will ensure that a significant buffer is retained between the proposed new dwellings and the Wey Navigation Conservation Area.

The National Trust has advised that they do not consider the proposals will adversely affect the visual amenity of the Corridor of the River Wey. Due to the separation distance and tree screening, together with the sympathetic design of the proposed dwellings and the proposed layout of development, it is not considered there would be an adverse impact on the setting of the Conservation Area or Corridor of the River Wey.

It is therefore concluded that the proposals comply with the requirements of Policies D1 and D3 of the 2019 Local Plan and Policies G5 and G11 of the saved Local Plan.

#### Living environment for future occupiers

Policies H1 and D1 of the 2019 Local Plan require all new residential development to conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG) 2015. The accommodation schedule submitted with the application confirms that all of the proposed dwellings would conform to the nationally described space standards. The proposal also shows the provision of good sized private garden areas for all of the dwellings. The proposal therefore meets the requirements of Policies H1 and D1 of the 2019 in this regard.

#### Impact on neighbouring amenity

The proposed dwellings at the front of the site would be set back slightly from Potters Lane and would also be screened from the properties on the opposite side of the Potters Lane by the mature trees to be retained. There would be long separation distances and tree screening to the other surrounding properties on the western side of Potters Lane. As a result, it is concluded that the proposed development will not have an adverse impact in terms of loss of privacy, loss of light or an overbearing impact to neighbouring properties.

The proposal will introduce two new vehicular access points, which will be positioned opposite existing dwellings on the eastern side of Potters Lane. Whilst this would introduce new vehicle movements, due to the number of dwellings proposed, it is considered that this would not lead to unacceptable noise, light or disturbance for the dwellings and occupants which are located on the eastern side of Potters Lane.

It is therefore concluded that the proposals accord with Policy G1(3) of the saved Local Plan.

#### Impact on highway safety and parking provision

Surrey County Council, in their capacity as County Highway Authority (CHA), has no objection to the application subject to recommended conditions and financial contributions towards the provision of a new bus shelter and improvements to the right of way (public footpath) (to include surfacing) in the vicinity being secured by way of a s106 agreement. Subject to the recommended conditions the CHA does not have an objection to the proposed new accesses into the site off Potters Lane or the proposed parking provision.

Several comments from third parties relate to the concern that the development would have on the existing difficulties experienced at this end of Potters Lane due to parked cars (including visitors to the Wey Navigation) and the amount of traffic using Potters Lane as a cut through from the A3 and the risk to highway safety from the increased vehicle movements resulting from the development and the provision of two new vehicular access points. Whilst this is an acknowledged concern, it is considered that the likely net additional traffic generation resulting from the proposed development would not have a material impact on the safety and operation of the adjoining public highway.

The CHA has not raised any objection to the proposed visibility splays in both directions, which are considered adequate to enabling drivers to see along Potters Lane in both directions when exiting the proposed development accesses.

In terms of parking provision, the proposal would accommodate 22 car parking spaces (including garaging) for the 10 residential units. The 10 properties would range in size from two, three and four bedroom properties and according to the adopted parking standards this would require a parking provision of 19 spaces. It is also important to note that 2 visitor spaces are proposed along the access road and the driveways to Plots 6 to 10 are of a sufficient size to accommodate at least one further parking space each for visitor parking. The proposed parking provision therefore accords with the Council's adopted parking standards. As some of the parking spaces are to be provided by way of garaging, it is considered necessary to attach a condition to ensure that the garaging is retained for vehicle parking in perpetuity.

The applicant has agreed to provide the necessary financial contribution required by the CHA to allow for the highways improvements. These measures would improve the service and encourage travel by sustainable modes of transport to deter use/need of private vehicles and would also improve the public footpath links.

The site is within a sustainable location within cycle and walking distance of local services in the village of Send. The site is therefore considered to be reasonably accessible to local services in the village.

It is therefore concluded that the proposals accord with Policy ID3 of the 2019 Local Plan.

### Trees and vegetation

There are many mature trees on the site, however the majority of these sit outside of the proposed development area, along the western and northern edges of the site.

An Arboricultural Impact Assessment and Method Statement has been submitted with the application. The proposal would incorporate the removal of 19 category c trees and 5 category u trees from within the proposed development area. Five individual trees need to be removed to facilitate the main site entrance. Although their loss will partly remove some of the screening into the site, this is only limited to limited stretch of the site frontage, some of which can be planted with suitable size replacements. The location of the site entrance incorporates an existing entrance minimising tree losses.

The Council's Tree Officer has no objection to the removal of these trees. Replacement tree planting is proposed and the retained trees will be protected during the course of development.

The proposal has subsequently been amended to include the provision of an additional access off Potters Lane. This will result in the removal of a category B Beech Tree on the frontage of the site with Potters Lane. However, the Council's Tree Officer has confirmed he has no objection to this subject to suitable replacement tree planting and the provision of an updated Arboricultural

Method Statement and Tree Protection Plan. These requirements can be secured by condition. Several mature trees will still be retained along the frontage.

It is important to note that with the exception of a small number of trees along the frontage and some poorer quality trees within the site, the majority of the mature trees on the site will be retained, including those to the western and northern edges.

It is therefore concluded that subject to a condition to ensure that the development is carried out in accordance with an updated Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement to ensure replacement planting, there will not be a detrimental impact on the trees and vegetation or the visual amenities they provide. The proposal therefore accords with Policy NE5 of the saved Local Plan.

### Sustainable design and construction

Guildford Borough Council has declared a climate emergency, Policy D2 of the Adopted Local Plan sets out the measures that must be met by new developments. This is supported by the recently adopted Climate Change, Sustainable Design, Construction & Energy SPD 2020. New buildings are required to:

- Achieve a 20% reduction in carbon emissions over and above Building Regulation Standards
- Water Efficiency measures
- Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated

The Climate Change SPD clarifies when this information should be provided, whilst it states some information should be forthcoming at the time of submission. However, this application was submitted prior to the adoption of the SPD. Therefore, the information required at para 3.2 of the SPD has been requested before determination. It is important to have this information early to ensure sustainability principles drive early site design.

The required measures will be controlled through the use of suitably worded planning conditions.

### Impact on biodiversity and protected species

The presence of protected species is a material planning consideration, which needs to be addressed prior to any permission being granted.

Circular 06/2005 (Biodiversity and Geographical Conservation - Statutory Obligations and Their Impact Within the Planning System) states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted otherwise all relevant material considerations may not have been addressed...".

The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Phase 1 Habitat and Protected Species Survey was initially submitted with the application. The report identifies that the application site is within a SSSI Impact Risk Zone (IRZ). It is also within the River Wey corridor which is protected by local planning policy (G11) and close to an SNCI.

The initial Phase 1 survey report made several recommendations with regard to requirements for further survey work to be carried out. The applicant has subsequently undertaken an ecological impact assessment (EIA) and further ecology surveys as recommended by the Phase 1 Survey.

It is important to note that the 'study area' includes the area of woodland to the northern and western edges of the site which are not part of the development area. Key findings are as follows:

- the most valuable habitats present within the Application Site/Study Area comprise the woodland and the pond (which are not within the development area).
- the Application Site supports habitats suitable to support a range of common nesting bird species and provides suitable habitat for foraging and commuting bats.
- there is a small population of grass snake on site and a tree which contains a minor pipistrelle day roost.
- potential for hazel dormouse was identified. However, further surveys have now been carried which confirm this species is not present.
- no evidence of Great Crested Newts was found.

The EIA states that the proposals will result in the loss of semi improved grassland and some woodland habitat, although this will be primarily restricted to the more central area of the site which is more scrub dominated and therefore lower value. The woodland boundaries and pond will be retained and protected within buffer zones. Mitigation has been proposed to reduce potential impacts on these habitats and on the protected species that may utilise these.

Detailed mitigation measures are proposed to ensure the grass snake population is not adversely affected by the development, involving habitat relocation. Mitigation measures are also recommended to minimise the impact on the roosting and foraging bats including the provision of bat boxes and ensuring any lighting scheme is sensitive to bats.

The following biodiversity enhancement measures are also proposed:

- enhancements to retained woodland and pond, with new native tree, hedgerow and wildflower planting
- new hedgerow planting
- use of species rich turf for gardens
- provision of log piles
- provision of 8 bat boxes
- provision of 8 bird boxes on new buildings, existing trees and within hedgerows

All of the recommended mitigation measures can be secured by condition.

Surrey Wildlife Trust have been consulted and confirmed that the submitted documents provides much useful additional information for the Local Authority to be able to assess the likely effect of the development on the biodiversity value of the site.

SWT advise, due to the proximity of the site to important habitat including the River Wey and a Site of Nature Conservation Importance (SNCI) and legally protected species, that the proposed development's construction is controlled by an approved Construction Environment Management Plan (CEMP) to help protect habitat and species from adverse effect resulting from development works. The CEMP should incorporate all the 'Mitigation' advice contained in the applicant's EIA Report for the 'Operational' phase of this development.



SWT also advises that the LPA should approve a Landscape and Ecological Management Plan (LEMP) for the public areas of the site, which should incorporate all the 'Enhancements' detailed in the applicant's PEA and EIA Reports and the 'Mitigation' listed in the EIA to protect species and habitats from the 'Operational' phase of the development as listed in the EIA.

With regard to biodiversity enhancements, SWT advises that the completed Biodiversity Metric appears to demonstrate that if all the proposed mitigation and compensation actions including habitat protection and creation are undertaken, a net loss of habitat units will result while a gain in hedgerow length will be achieved. Some habitat gain appears to be within private gardens, where such gain cannot be safeguarded. It is therefore recommended that further information is provided to ensure that the LPA can be satisfied that biodiversity net gain can be achieved post development. A condition is therefore recommended to ensure that details of further ecological enhancements to ensure that biodiversity net gain is achieved are submitted to the LPA for approval prior to the commencement of development.

It is concluded that subject to the recommended conditions to secure the required mitigation measures and ecological enhancements, the proposed development would comply with the requirements of the NPPF and Policy ID4 of the 2019 Local Plan.

#### Thames Basin Heaths Special Protection Area

The site is within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

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

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

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

#### Flooding and land drainage

The site is not designated as being within Flood Zones 2 or 3. All areas not designated as Flood Zones 2 or 3 are designated as Flood Zone 1. The application site is therefore within Flood Zone 1 (Low Probability), this zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1per cent). Paragraph 100 of the NPPF states that development be directed away from area at the highest risk. The proposal is therefore an acceptable location for new residential development in line with the aim of the NPPF.

The site area is 0.4Ha and therefore a Flood Risk Assessment is not required.

Notwithstanding this, a surface water drainage strategy has been submitted with the application. The Local Lead Flood Authority (LLFA) has assessed the report and the drainage strategy and has raised no objection to the addition of 10 houses in terms of surface water drainage, subject to the exact details of sustainable drainage systems (SuDS).

The implementation and maintenance of the drainage strategy throughout the lifetime of the development can be secured by condition. Therefore, with such a condition imposed and the agreed details implemented, the development will not exacerbate any existing surface water drainage problems within the area.

### Archaeology

In accordance with Policy HE11 of the saved Local Plan, a desk based archaeological assessment has been submitted by the applicant.

The report concludes that the site has a generally low potential for archaeological remains but that this may be a reflection of the fact that little previous fieldwork has been carried out in the vicinity of the site. Therefore, the report suggests further archaeological investigations may be required in order to clarify the nature extent and significance of any archaeology that may be present.

The County Archaeologist agrees with this conclusion and advise that in the first instance the work should consist of a trial trench evaluation which will identify any archaeological remains and thus enable suitable mitigation measures to be developed for the site. As the report suggests that there is a low potential for nationally significant remains that would require preservation in situ to be present then it is recommended that it would be reasonable to secure the archaeological evaluation and any further work that may be required by condition.

### Contaminated land

A Phase 1 Geo-environmental Risk Assessment has been submitted with the application.

However, the Geo-environmental Risk Assessment by Aviron Associates Ltd has identified a potential infilled pond onsite and therefore recommended a precautionary investigation in section 5.5 of the report which the Environmental Health Officer has advised is acceptable in principle. Suitably worded contaminated land conditions are therefore recommended to ensure this work is carried out.

### Section 106 requirements

The following contributions are required in connection with proposed development and the infrastructure demands generated by it:

#### **Open space provision**

10 dwellings are proposed. As such, in accordance with Policy R3 of the saved Local Plan and the Planning Contributions SPD tariff, an off-site financial contribution is necessary towards formal playing fields, children's play space and amenity space.

## Education

The proposed development is in an area where there is pressure on school places. The Planning Contributions SPD identifies that where new development creates additional need or exacerbates an existing deficit in education provision, the developer may be required to contribute towards improving provision within the Borough. Contributions would be sought for units of two bedrooms and above.

Surrey County Council has specified the amount required in connection with this application.

## Highways

The CHA has identified requirements for financial contributions towards the following highways improvements connected with the proposed development:

- A contribution of £20,000 to go towards a new wooden Littlethorpe bus shelter on the opposite side towards Woking. This will include a Real Time Passenger Information with associated electrical power supply connection.
- A contribution of £24,000 towards Rights of Way improvements within the vicinity of the site, including surfacing Public Footpath 52.

These are considered reasonably necessary improvements to sustainable transport links in the village of Send, associated with the development and to encourage sustainable modes of transport and to improve public footpaths, in line with Policy ID4 of the 2019 Local Plan.

## Legal agreement requirements

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

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

As the application proposes the provision of additional residential units, in order for the development to be acceptable in planning terms, a S.106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the Habitats Regulations, a S.106 agreement is required to ensure that the 10 additional residential units proposed by this development would not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above. Provided that a S.106 agreement is in place to mitigate against the likely significant effect on the TBHSPA, the proposed development would be considered acceptable in planning terms in this regard.

As the application proposes the provision of 10 additional residential units, in order for the development to be acceptable in planning terms, a S.106 agreement is required to secure a financial contribution towards amenity space, children's play space and formal playing fields. In line with policies G6 and R3 of the saved local plan and the adopted Planning Contributions SPD (2011). The required financial contribution is based on the tariff set out in the Planning Contributions SPD.

The S.106 also needs to secure a financial contribution towards the provision of primary and secondary education, in line with the adopted Planning Contributions SPD (2011) and Surrey County Council's education policy, contained in Surrey Planning Collaboration Project S.106 Planning Obligations and Infrastructure Provision Code of Practice (2007). The required financial contribution (based on the tariffs provided by Surrey County Council) is formula based, dependent on the types of units proposed.

The CHA has also identified requirements for financial contributions towards highways improvements connected with the proposed development. The contribution is based on the cost of providing these improvements as calculated by Surrey County Council.

As such, the requirement for the S.106 agreement meets the three tests set out above.

### **Conclusion.**

With the adoption of the new Local Plan, this site is no longer designated as being within the Green Belt. Therefore the principle of residential development on the site is acceptable. The development would not harmfully affect the character or the appearance of the surrounding area and would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties. Subject to the recommended conditions, there will be no adverse impact on the ecology of the site or surroundings. The development would not give rise to conditions prejudicial to highway safety and would not impact on the Thames Basin Heaths Special Protection Area. For these reasons it is concluded that planning permission should be granted subject to conditions.