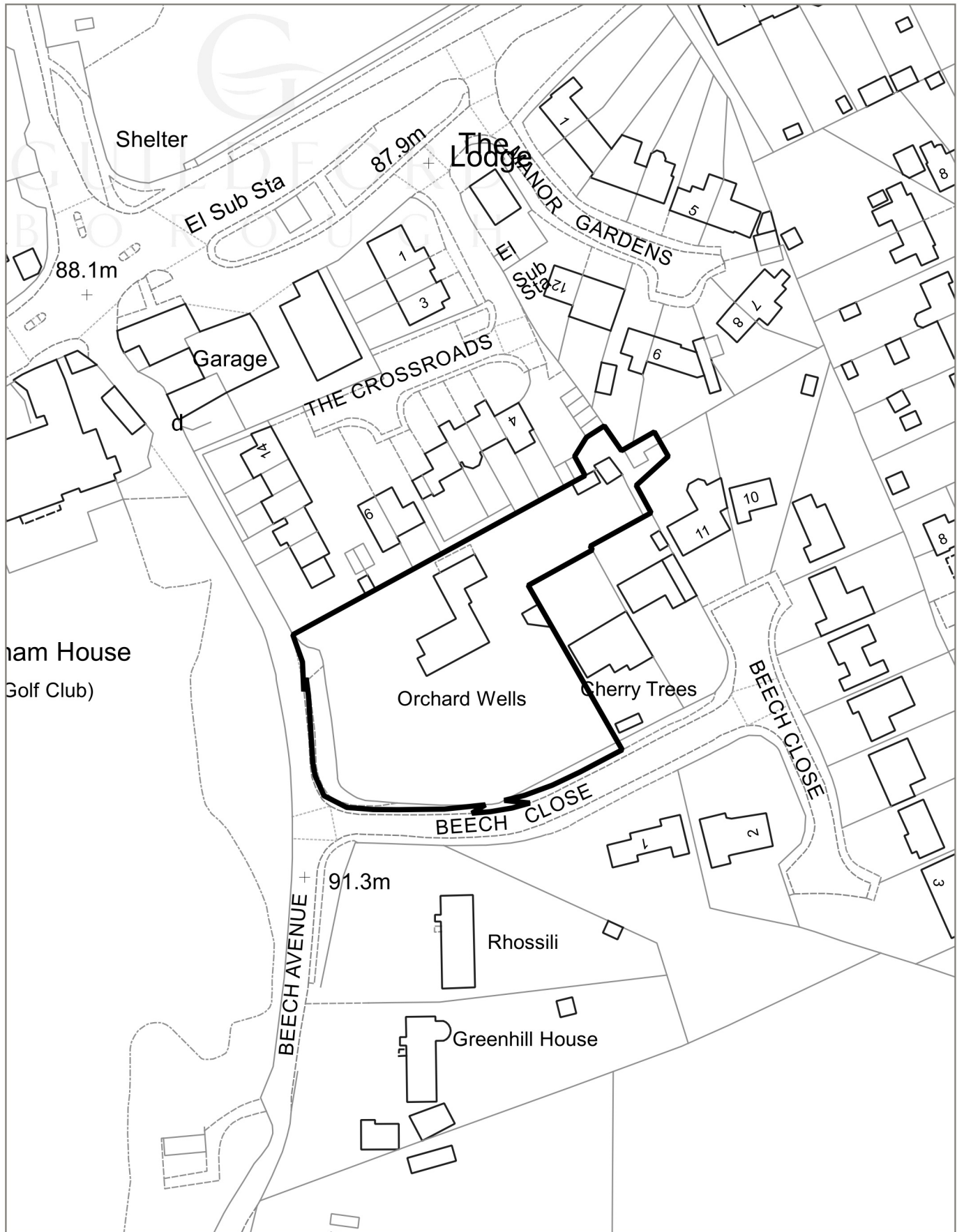


# 20/P/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead



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Print Date: 15/03/2021



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GUILDFORD  
BOROUGH

20/P/00737 – Orchard Wall, Beech Avenue, Effingham



Not to scale

**App No:** 20/P/00737  
**Appn Type:** Full Application  
**Case Officer:** Carolyn Preskett  
**Parish:** Effingham  
**Agent :** Mrs Collins  
Solve Planning Ltd  
Sentinel House  
Ancells Business Park  
Harvest Crescent  
Fleet  
GU51 2UZ

**8 Wk Deadline:** 02/04/2021

**Ward:** Effingham  
**Applicant:** Mr Grimshaw  
Claremont Finesse Ltd  
1A Cobham High Street  
Cobham  
GU51 2UZ

**Location:** Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG

**Proposal:** Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close' (amended description with amended plans received 18 November 2020)

This application was originally presented to the Planning Committee on 31 March 2021 where the item was deferred by Members to allow time for a review by the Council's independent consultants of the position on the commuted sum for affordable housing which had been provided at late notice by the applicant prior to that meeting. The original committee report is attached at Appendix 1.

The reason for deferral was clear in that it was to review the new agreement to provide a commuted sum for affordable housing and to agree that figure. The applicant has already confirmed they cannot provide a policy compliant scheme and therefore this updated report can only consider the matters which were put forward in the motion to defer at the planning committee meeting.

The wider concerns on the way the viability assessment has been reviewed are noted, however, the process undertaken is not contrary to any adopted parameters and methodologies in respect of viability appraisal. The applicant has commissioned a professional viability report and the council have appointed a local specialist in this area of expertise who we have confidence in to review it.

#### Further responses

##### Effingham Residents Association

- Concerns remain relating to this application.
- The profitability of the submitted scheme would not benefit Effingham residents.
- overdevelopment of the site and if the scheme specified in the Neighbourhood Plan was not viable, Effingham Parish Council having responsibility for the Neighbourhood Plan should be consulted about possible alternative schemes, rather than one chosen by the applicant being submitted without consultation
- remain concerned that Plot 6 was not fully valued in the Viability Report as it may have development potential for a possible further dwelling that was not taken into account. It needs to be resolved whether such development potential exists and if it does it needs to be factored in to a financial report. (Officer note: the question of whether Plot 6 could be developed in the future using the rear access is not part of the current proposals)

- concerns remain regarding the status of the historic wall and hedge. (Officer note: the applicant has indicated their intention to retain the wall and hedge and suitable conditions have been recommended to ensure they are retained)
- concerns relating to the design and overbearing nature of the proposed dwellings (Officer note: the proposed dwellings have been significantly reduced in size during the course of this application)

### Effingham Parish Council

- do not agree with the conclusion that the smaller policy compliant scheme does not appear viable
- concerns over future development of Plot 6
- the viability report may meet the needs of the developer, but it does not meet the needs of Neighbourhood Plan Policy ENP-SA3, nor the needs of the residents of Effingham who agreed the ENP at referendum with a 94% vote in favour. The Parish Council would welcome the developer coming forward with a plan meeting the requirements of Neighbourhood Plan Policy ENP-SA3

### **Updated planning considerations**

#### Viability

The Viability Appraisal Addendum provided by the applicant dated 22 March 2021 has now been reviewed by the Council's independent consultants and concluded that there was a surplus of £118,980 which could be put towards affordable housing as opposed to the £58,000 offered by the applicant.

The Council's independent consultants (Dixon Searle Partnership) in their conclusion state the following:

*"KCC conclude that the scheme produces a deficit of -£97,160 or an actual profit of 18.52% and state "it cannot therefore, afford to provide any level of affordable housing contribution."*

*When making the adjustments to the trial appraisal, namely applying sales and marketing costs at 3% produces a residual land value of £2,131,480 and when compared to DSP's BLV assumption of £2,012,500 produces a surplus of £118,980 which could be put towards affordable housing."*

The applicant has agreed to enter into a legal agreement to secure payment of the commuted sum of £118,980. The application is recommended for approval subject to the signing of a s106 agreement.

#### **Updated recommendation**

Approve - subject to a s106 agreement to secure a commuted sum for affordable housing and subject to conditions and reasons as set out in Appendix 1.

### **Appendix 1**

#### **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 Officers recommendation.

##### **Key information**

The application site is situated on the corner of Beech Avenue and Beech Close. A mature boundary beech hedge surrounds the site on the road frontages.

The site has been inset from the Green Belt and is adjacent to the Effingham Conservation Area and is within the 5km to 7km buffer zone of the Thames Basin Heath Special Protection Area.

Vehicular access would be via a new access off Beech Close.

Three no.4 bed dwellings and three no. 3 bed dwellings are proposed. No one or two bedroom units are proposed but a Viability Report has been submitted with the application following the receipt of amended plans. The Viability Report has been reviewed by an independent consultant appointed by the Council.

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

The site is allocated in the Effingham Neighbourhood Plan for residential development, this was for up to 6 homes ( a net increase of five dwellings). The principle of housing development on this site is considered acceptable.

The plans have been amended since originally submitted and the revised proposals are considered to be in keeping with the character of this semi rural surrounding area in terms of design and layout. The proposals would not result in any undue loss of neighbouring amenity in terms of loss of privacy, loss of light or overbearance.

The proposals do not include 50% 1 or 2 bedroom units. A Viability Report has been submitted with the application. The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions.

### **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: AAL-20-100-P14; AAL-20-100-P12; AAL-20-100-P13; received on 12 May 2020 and amended plans AAL-20-100-P01D; AAL-20-P02C; AAL-20-100-P03C; AAL-20-100-P04C; AAL-20-100-P05C; AAL-20-100-P06D; AAL-20-100-P07C; AAL-20-100-P08B; AAL-20-100-P09B; AAL-20-100-P10B; AAL-20-100-P11B received 18 November 2020.

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

3. Prior to any development above slab level details and samples of the proposed external facing and roofing materials including colour and finish shall be 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 development above slab level shall take place until energy information has been submitted to and approved in writing by the Local Planning Authority. The energy information will identify the building regulations Target Emissions Rate (TER) and the Dwelling Emission Rate (DER) for the proposed dwellings, and demonstrate that the DER is at least 20 per cent lower than the TER for each dwelling hereby approved, including the use of energy efficiency measures and low and zero carbon energy technologies in line with the energy hierarchy, an accurate and robust appraisal of all potential technologies. The approved details shall be implemented prior to the first occupation of that dwelling and maintained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in the interests of sustainability.

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

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

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Beech Close has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.AAL-20-100-PO2 rev D and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. AAL-20-100-P02 Rev E, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. AAL-20-100-P02 Rev D for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until existing access from the site to Beech Avenue has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

10. 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 for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

11. No development shall commence until a Construction Transport Management Plan, to include details of :
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (f) HGV deliveries and hours of operation
  - (g) measures to prevent the deposit of materials on the highway
  - (h) on-site turning for construction vehicles
  - (i) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.30 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beech Close and Beech Avenue during these times
  - (k) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12. 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.

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

13. The development hereby approved shall not be first occupied until a hard and soft landscaping scheme, including details and samples of hard landscaping and details of the number and species type of proposed trees/plants, has been submitted and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme, other than planting, seeding or turfing, shall be implemented in accordance with approved details and samples prior to the first occupation of the development. All planting, seeding or turfing shown on the approved landscaping proposal 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 and also to protect neighbouring amenity.

14. 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) as recommended in the submitted Arboricultural Assessment Report by Harper Tree Consultants dated 24 February 2020 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.



15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, and E shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions / outbuildings at the property, in order to safeguard the character of the area and the residential amenities of adjoining properties.

16. The first floor windows in the side elevations of the dwellings hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

17. Prior to the first occupation of the development details of Ecological Enhancement measures in line with the recommendations of the ethos Environmental Planning Ecological Assessment Report dated July 2020 shall be submitted to and approved in writing by the Local Planning Authority .The agreed enhancement measures shall be implemented prior to the first occupation of the development (unless otherwise stated in the agreed document) and shall thereafter be maintained in accordance with the agreed details.

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

18. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the ethos Environmental Planning Ecological Assessment Report dated July 2020.

Reason: To ensure protected species are protected during the construction of the development.

19. The Beech Hedge running along the site boundary adjacent to Beech Avenue and Beech Close as shown on plan no.AA1-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

20. The existing boundary walls to the site as shown on plan no. AAL-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

**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.

Pre-application advice was not sought prior to submission and the application as originally submitted was unacceptable but Officers chose to work with the applicant and sought amended plans and a viability report to overcome Officers concerns.

3. 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).
4. 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).

5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.
6. Please see: [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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.
7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. 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.**

Orchard Walls is a large detached property situated on a plot of 0.37 acres. The site is situated on the corner of Beech Avenue and Beech Close with the road boundaries being characterised by a tall Beech hedge. The existing property is accessed off Beech Avenue.

The site lies within an area inset from the Green Belt and within the 5km to 7km buffer zone of the Ockham and Wisley Common Special Protection Area. The site also lies directly adjacent to the Effingham Conservation Area on its northern boundary.

The site is allocated in the Effingham Neighbourhood Plan for up to 6 new residential dwellings which includes the existing house on the site, a net increase of 5 dwellings (Policy SA3).

The site is within the Flood Zone 1 (defined as having a low probability of flooding)

### **Proposal.**

Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close (amended description with amended plans received 18 November 2020)

### **Relevant planning history.**

None relevant

## **Consultations.**

### Statutory consultees

County Highway Authority: Recommend conditions and informatives

Thames Water: No comments received

### Internal consultees

Head of Environmental Health and Licensing:

There are no records to indicate any former uses on this site requiring an investigation to address possible land contamination. No further comments or objections.

### Effingham Parish Council - objection on the following grounds

- overdevelopment of the site
- out of character with the surrounding area and nearby conservation area
- proposed buildings are higher than surrounding buildings and there is a lack of space around them
- proposed dwellings dominate and overshadow neighbouring properties
- concern over access road being closer to Beech Avenue/ Beech Close junction than should be and prejudice road safety
- no parking for visitors or for disabled visitors

Following the receipt of amended plans Effingham Parish Council raised the following further objections:

- proposals contrary to Policy ENP-H2 . No one or two bedroom units are proposed.
- EPC has serious concerns about the Viability Appraisal and Report and requests that GBC undertakes thorough expert scrutiny of the Viability Appraisal and Report (Officer comment: the viability report has been independently assessed as set out in the committee report)
- amended size of the proposed houses results in an overdevelopment of the site, the site will appear out of character and more cramped than its neighbour Beech Close
- the parking layout plan is inconsistent with the Design, Access and Planning Statement ( Officer note: the amended Design and Access Statement appears to have only partially been updated and some elements and references within it relate to the original proposals still)

### Amenity groups/Residents associations

#### The Crossroads Residents Association

The Residents Association have submitted an email to/from the applicant detailing discussions between the two parties as their comment in relation to this planning application. The comments detail points raised in this exchange and a request that should the application be approved that they would like appropriate conditions to be imposed relating to the following:

- the retention of the historic wall
- point and repair as needed both sides of the historic wall before the properties are sold
- clarity on ownership/ liability and maintenance of the wall now and for the future
- covenants to stop conversions of garages/lofts/balconies and to stop right of way through The Crossroads garages
- shadow plans for Plot 8 and 1 to see the effect of overshadowing
- no construction access through our garages at any time.
- Access through existing entrance to Orchard Walls on Beech Avenue to be limited to the first 2 weeks of site working in order to clear the way for the new entry into the development
- environmental survey on the property including the sheds and buildings at bottom of the garden
- overlooking windows will be fixed except for a fanlight
- no street lighting as we are in a dark skies area

- no weekend construction work except for Saturday mornings between 0800 and 1300 hours.
- applicant will set up/organise a maintenance company to maintain hedges and wall in the future

#### Effingham Residents Association - objection on the following grounds

- proposals are contrary to Policy ENP - H2 of the neighbourhood plan.
- concerns over the submitted Viability Report and state that this is for GBC to scrutinise (Officer note: Consultants Dixon Searle were appointed to review the Viability Report)
- development contravenes policy ENP-G2 of the Neighbourhood Plan and would be out of character with the area that surrounds it.
- concerns relating to the current gate from Orchard Walls into the garage area at The Crossroads could be later used to apply for a further property on the site.
- concerns relating to the impact on the Conservation Area. Any development should preserve and enhance the setting of the wall which runs along the northern boundary of the site. The proposed garage to Plot 1 would spoil the view of the wall from the proposed entrance from Beech Close. Any approval should protect the wall and hedges surrounding the site with appropriate conditions.
- pleased that the design of the dwellings have been modified particularly the removal of bulky roof forms however concerns remain about the height of the proposed dwellings.
- concern that three of the dwellings each have three rooflights which is contrary to Policy ENP-EN4 as Effingham is a dark skies village
- concerns over highway safety surrounding proposed access
- concern over trees as a number of trees have already been removed
- the three four bedroom houses should have three allocated car parking spaces ( Officer note: Plot 1 proposes 2 garage spaces and 2 parking spaces, Plot 2 and Plot 3 propose 1 garage space and 2 parking spaces each)
- since the Effingham Neighbourhood Plan was formulated the Secretary of State has allowed 295 new homes in Effingham so these new houses are no longer essential
- proposals in breach of Neighbourhood Plan and would damage the Effingham Conservation Area

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

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

- contrary to policy ENP-SA3 which recommends 6 new dwellings at the Orchard Walls site not the 8 proposed with no justification for this change.
- out of keeping with quiet semi rural character of the village
- additional cars would create traffic problems
- concerns relating to parking and visitor parking
- proposed dwelling No. 8 would overshadow properties within The Crossroads
- noise and disturbance caused by large increase in number of properties
- proposals are not in the spirit of the Effingham Neighbourhood Plan
- unreasonable density increase on the edge of the Conservation Area and towards the countryside to the south
- concern over access for cars and more significantly refuse and delivery vehicles
- detrimental effect on character and nature of the area
- proposed development by reason of its layout, form and scale constitutes overdevelopment of the site
- concerns relating to ecological habitats
- concerns relating to significant increase in demand for utilities
- loss of trees already
- interrupting the habitat of local bat and owl species

- Access drive should be in Beech Avenue which would give Council an opportunity to widen the road as it struggles to accommodate large supermarket delivery vehicles and school coaches as it is.
- loss of privacy to dwellings in The Crossroads and Beech Close
- demolition of a large established house of character will be a great loss of this part of Effingham.
- a cul de sac within a cul de sac will be an alien to the environment
- massive amount of developer activity and disruption to current quiet cul de sac
- potential restriction of access to current residents garages during development
- overbearing nature of proposed dwellings
- impact on Conservation Area and Grade II listed red brick wall
- poor design, large flat roofs and ugly slab like elevations resulting in very large and high storeyed block like houses contrary to the standard pitched roofs surrounding the site.
- loss of light
- plot 8 appears to have a large upstairs first floor external terrace along the whole length of the East Elevation
- concerns over future further developments and wishing access to garden of plot 8 be limited to agricultural or garden machinery only.
- concerns over boundary fences
- further housing in danger of losing the village
- concern over the historic orchard wall which borders the site
- concerns over street lights and potential security lights which would be a nuisance factor contrary to ENP-ENV 4 Dark Skies Area
- concerns over the height of Plot 8 and its proximity to the boundary with properties in The Crossroads
- housing target in Effingham already exceeded
- there is no need for this development and so the application should not be approved
- concerns relating to carbon emissions of future residents
- the long term effects of covid -19 on planning policy
- important that amenity value of open green space is given its due weight in planning application. Orchard Walls provides an attractive view from public footpath alongside Beech Avenue.
- roof lines of all of the proposed dwellings is higher than neighbouring properties in Beech Close and The Crossroads
- proposed access road creates an unsafe area and an unsafe junction with Beech Close
- concern over new trees being planted close to road and parking spaces - roots likely in future to cause pavements and roads to become uneven.
- clearance work was ongoing during May last year despite provisional recommendations in ecological assessment that no tree or shrub clearance should be carried out during the bird nesting period, March to September.
- no grounds to approve until all uncertainty caused by pre-existing planning decisions is removed and a genuinely sustainable development plan has been re-established
- inferior buildings choosing to replace a quality residence
- covenants are placed within deeds to stop future loft conversions and velux windows
- overlooking window on plot 1 will be fixed except for a fanlight
- no weekend construction work except Saturday morning

Following the receipt of amended plans 17 additional letters have been received reiterating the original comments and making the further points:

- revised proposals remain out of keeping
- several large houses close together with small front gardens

- two wide and taller houses with heavy dormers standing on higher ground without front gardens, just rows of street parking places, quite unlike Beech Close houses with their off street parking
- proposals remain very cramped and out of keeping with the open rural nature of existing site.
- proposals remain contrary to Policy ENP-H2
- large area of Beech hedge to be removed for sight lines
- concerns over demolition and back access to Plot 6
- concerns over boundary fencing
- no affordable housing being provided
- concerns over future further development in garden area to Plot 6
- plots 1 and 6 have moved nearer to The Orchard Wall which borders the houses in The Crossroads
- revised Plot 1 garage location more obtrusive

### **Planning policies.**

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

Chapter 1. Introduction

Chapter 2. Achieving well designed development

Chapter 4. Decision Making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

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

#### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

#### Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 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 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). 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
H1	Homes for all
P5	Thames Basin Heath Special Protection Area
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
D3	Historic Environment
ID3	Sustainable transport for new developments
ID4	Green and Blue infrastructure

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

G1(3) (8) (12)	General Standards of development
G5 (2) (3) (4) (5) (7) (8) (9)	Design Code
G6	Planning Benefits
H4	Housing in urban areas
M6	Provision for Cyclists and Pedestrians
NE4	Species Protection
NE5	Development Affecting Trees, Hedges and Woodlands

Effingham Neighbourhood Plan 2018:

ENP-G2	Landscape, Heritage, Character and Design
ENP-G3	Archaeology and the Historic Environment
ENP-G5	Assessing suitability of sites for residential development
ENP-H1	New Homes in Effingham
ENP-H2	Mix of Housing
ENP-ENV2	Wildlife Corridors and Stepping Stones
ENP-ENV6	Dark Skies
ENP-R1	Car Parking
ENP-SA3	Land at Orchard Walls

Supplementary planning documents:

SPD Vehicle Parking Standards 2006  
SPD Climate Change, Sustainable Design, Construction and Energy 2020  
SPD Planning Contributions 2017  
Thames Basin Heath Special Protection Area Avoidance Strategy 2017

Other guidance

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

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- design, layout and housing mix
- living environment
- the impact on neighbouring amenity
- the impact on the Effingham Conservation Area
- highway/parking considerations
- impact on trees and ecology
- sustainable design and construction
- flooding
- infrastructure requirements
- presumption in favour of sustainable development

The principle of development

The site is no longer designated as Green Belt land following the adoption of the Local Plan 2019.



The site is identified in the Effingham Neighbourhood Plan Policy ENP-SA3 as allocated for residential development. The neighbourhood plan supports development of up to 6 new homes on this site replacing the existing house (a net increase of 5) subject to the following:

- compliance with policies ENP-G2, ENP-H2 and ENP-R1 of this Neighbourhood Plan
- design to be in keeping with the buildings in the nearby Effingham Conservation Area, including the Grade II listed buildings, and maintaining the shared red brick boundary wall which runs along the boundary of the Effingham Conservation Area.
- demonstration that the setting of the Effingham Conservation Area, and the character and appearance of Beech Avenue and Beech Close, are preserved and enhanced by the development
- the landscaping and layout of any proposals should conserve, as far as possible, the beech hedging along the boundary to preserve the character of the Beech Avenue area
- the main vehicular access is not on to Beech Avenue, to avoid worsening traffic problems along this busy road

There is no in principle objection to housing in this location. However, Officers must still be satisfied that the proposal complies with the development management policies set out in the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 25 April 2019) and policies contained within the Effingham Neighbourhood Plan 2018.

#### Design, Layout and Housing Mix

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

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy D1 of the LPSS provides the Council's requirements with regard to place shaping. Point 4 states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Policy ENP-G2 of the Neighbourhood Plan seeks to conserve the essential landscape, heritage and rural character of the plan area.

Policy ENP-H2 of the Effingham Neighbourhood Plan relates to Housing Mix and sets out requirements for new residential development. In relation to developments of fewer than 10 units which is relevant to this application the policy states the required mix of housing tenures, types and sizes to meet local housing requirements which are as follows:

- at least 50% of market homes shall have one or two bedrooms
- the percentage of affordable homes shall be as set out in the Guildford Borough Local Plan

The policy clearly states that an exception of these requirements will only be permitted where the intention is to meet a specific housing need which requires a particular size or type of housing or, for reasons of financial viability, an alternative mix is required. Such exceptions must be supported by clear and recent evidence.

The planning application originally sought planning permission for 8 dwellings with a new access to Beech Close. Officers informed the applicant of their significant and numerous concerns relating to the design and layout of the proposals. Subsequently amended plans were received which addressed many of the issues relating to the design and layout namely:

- reduction in number of units from 8 to 6
- increased spacing between units 1 to 3
- reduction in bulk and height of proposed roofs and removal of large flat roofed area
- reduction in ground floor accommodation to enable a more proportionate split between the footprint of the houses and the rear gardens
- reduction in the scale of Plot 6 (formerly plot 8) to improve relationship with The Crossroads
- areas of flat roofs that could potentially have been used as terraces have been removed
- provision of parking and visitor parking to meet Council Standards
- redesign of the dwellings to address local character and vernacular concerns

However the amended proposals do not provide 50% market homes with one or two bedrooms as required by Policy ENP-H2 of the Effingham Neighbourhood Plan. The applicant has provided a Viability Report stating why on the grounds of financial viability they have not provided any smaller units. The Viability Assessment Report submitted concludes that:

*" It is therefore clear that not only is the site unable to viably support a smaller policy compliant scheme, but neither the proposed 6 no. detached house scheme nor the smaller 6 unit policy compliant scheme can afford to provide any element of affordable housing contribution, with the larger proposed scheme only remaining viable if the development is sold on the basis of 100% private sales."*

The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions. The report indicates that any number of smaller units would not be viable.

In terms of housing mix the proposal is for three 4 bed units and three 3 bed units.

The dwellings in the surrounding area are of varying designs, ages and sizes. The proposed development with 6 dwellings would have a density of 16 dwellings per hectare which compares with a density of Beech Close at 12 dwellings per hectare and The Crossroads at 27 dwellings per hectare. The proposed development would be accessed off Beech Close and would be a simple cul de sac of dwellings. The tall beech hedge that forms a distinctive feature around the road frontages to the site is to be retained with the exception of the area where the new access would be. The current access to the existing dwelling is to be closed and replaced with a new infill section of beech hedge to match the existing. A condition securing the retention of the hedge is recommended.

The amended plans have reduced both the number of units proposed on the site and the sizes of the proposed dwellings to better reflect the scale and character of the surrounding area. In addition, the amended plans pay more attention to the local vernacular and the semi rural character of the area. The spacing between the proposed dwellings is considered adequate. Plots 4 and 5 are chalet bungalows to reflect the scale and character of the adjacent property in Beech Close and Plot 6 is also a chalet style property adjacent to the boundary with properties within The Crossroads that back onto the site. A condition requiring details of proposed materials is recommended to ensure appropriate materials are used that reflect the semi rural character of the area.

It is considered necessary and reasonable that permitted development rights are removed to ensure any future changes will require planning permission and the Local Authority will be able to exercise some control over any future changes to the proposed dwellings given the semi rural character of the site, the size of the dwellings currently proposed and the site characteristics.

Landscaping of the site is proposed to ensure the proposals are sympathetic to the site and its surroundings. A landscaping condition is recommended to ensure appropriate landscaping is achieved to ensure visual amenities and neighbouring amenities are protected.

#### Living Environment

The proposed sizes of the 6 dwellings would meet with the DCLG's Technical Housing Standards - Nationally described Space Standards (March 2015) and the requirements of Policy H1 of the new local plan. The dwellings would have adequate amenity space. As such it is considered that a satisfactory environment in terms of outlook, privacy and adequate garden / amenity space would be provided with a suitable internal layout.

#### The impact on neighbouring amenity

The properties most affected by the proposals are 4,5, 6,7,8,9 and 10 The Crosslands and properties Cherry Trees, 11, and 12 Beech Close all of which lie immediately adjacent to the application site.

Plot 1 has no windows at first floor level other than a bathroom window which it is recommended to be conditioned to ensure it is obscure glazed and fixed shut below 1.7 metres. Whilst Plot 1 would be on slightly higher land than properties within The Crosslands due to the slope in the land, the separation distances and the orientation of the properties in relation to one another it is considered that there would be no undue impact on neighbouring amenity.

Plot 6 would be in a similar position to the existing dwelling, Orchard Walls . The plans for Plot 6 have been amended during the course of the application with the dwelling having been reduced in size from a full two storey dwelling to a chalet style property. In addition the first floor terrace area has been removed and there are now no windows proposed in the flank elevation facing the rear gardens of properties in The Crosslands nor properties in Beech Close. Given the existing situation and the changes made to the proposals during the course of this application it is considered that any impact of Plot 6 on neighbouring amenity would be no greater than the existing situation.

Plot 5 would be immediately adjacent to Cherry Trees. The proposed property would be a chalet style property similar to Cherry Trees. Following the receipt of amended plans with a reduction in the overall height of this proposed dwelling and the removal of a potential terrace area, it is considered that it would not impact unduly on the neighbouring property.

Whilst the points raised in relation to disturbance during the construction period are noted, it is inevitable that there will be a degree of disruption and disturbance during the construction process on any scheme, however, it is not reasonable to refuse a planning application on this basis. However, a condition is recommended in relation to hours of work given the residential nature of the surrounding area.

#### The impact on the Effingham Conservation Area

The northern and western boundaries of the application site mark the boundary of the Effingham Conservation Area. The site itself does not lie within the Conservation Area. There is an existing locally listed wall that runs along the northern boundary of the site. The listing identifies that this was the old boundary wall from the site when the site formed part of the orchard/kitchen garden of the Effingham House Estate. The wall is to be retained. A condition relating to the retention of the wall is recommended to ensure it is permanently maintained and retained.

On the western boundary of the site which also forms the boundary of the Conservation Area is a mature Beech Hedge which then also runs along the southern boundary of the site. The Beech Hedge is to be retained with the existing access to the property infilled with beech hedging to match the existing. The new access to the development site will require a section of the hedge being removed on the southern boundary. The Beech Hedge is an important feature in the locality and is visually attractive. A condition to ensure the retention of the Beech Hedge is considered necessary and appropriate in this location.

The two Grade II listed buildings within the vicinity, Effingham House and Crosslands are considered sufficient distance away from the application site to not be adversely impacted by the proposed development.

#### Highway/parking considerations

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds have raised no objections to the proposals subject to the imposition of conditions relating to visibility zones to be constructed and provided and permanently kept clear of obstruction; parking and turning of vehicles so that they may enter the site in forward gear; bicycle secure parking; closure of the existing access on Beech Avenue; electric parking socket provision and a Construction Transport Management Plan.

A Construction Transport Management Plan is considered justified in this case due to the location of the site close to the junction of Beech Avenue and Beech Close. In addition, it is considered necessary due to concerns raised by local residents in relation to the existing rear access to Orchard Walls through the garages of properties in the Crosslands. A pre commencement condition relating to a Construction Transport Management Plan is recommended.

The proposed development proposes 9 visitor spaces and the following car parking spaces for each of the proposed dwellings:

Plot 1	Two car parking spaces and two garage spaces
Plot 2	Two car parking spaces and one garage spaces
Plot 3	Two car parking spaces and one garage spaces
Plot 4	Two car parking spaces
Plot 5	Two car parking spaces
Plot 6	Two car parking spaces and two garage spaces

The proposed car parking provision meets the requirements of Policy ENP-R1 of the Effingham Neighbourhood Plan and is in line with the Council's parking standards.

### Impact on trees

The site lies outside of the Effingham Conservation Area and there are no Tree Preservation Orders relating to the application site. An Arboricultural Assessment has been submitted with the application. The comments by residents that a number of trees were removed from the site prior to the application being made are noted.

The assessment states:

"Although a lot of trees will be removed to allow the proposed development scheme to be completed, many of these will be mitigated by the planting of some smaller, but high quality trees once construction is completed and the landscaping is being carried out. In this respect, I consider the net arboricultural impact to be acceptable."

The Arboricultural Assessment recommends an Arboricultural Method Statement and a Tree Protection Plan. These can be secured through a pre commencement condition. In addition a landscaping condition is recommended to secure appropriate tree planting and an appropriate landscaping scheme to ensure the semi rural character of the area is retained.

### Ecology

An ecological assessment report by ethos Environmental Planning dated July 2020 has been submitted with the application and a number of mitigation measures have been detailed in this report. A condition is recommended to ensure the mitigation measures included within this report are carried out. In addition, the ecological assessment report details a number of ecological enhancement measures. A further condition securing these further ecological enhancement measures is recommended to protect the nature conservation and biodiversity value of the site.

### Sustainable Design and Construction

As set out in Policy D2 of the New Local Plan and the Council's Climate Change, Sustainable Design Construction and Energy SPD 2020, there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of energy efficiency measures and low or zero carbon technologies and include water efficiency measures in line with building regulations. These measures can be secured by condition.

### Flooding

The site is within the Flood Zone 1 (defined as having a low probability of flooding). The site is not designated as a critical drainage problem area and the site is a minor application and therefore there is no requirement for a drainage scheme to be submitted with the application.

### Infrastructure requirements

Concerns have been raised regarding significant increase in demand for utilities and local infrastructure in Effingham. The proposal is of a minor scale where the Council is unable to seek financial contributions towards such infrastructure matters. Nevertheless, given the minor scale with a net increase of 5 dwellings it is considered unlikely that the development would put an unacceptable strain on local infrastructure.

### Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which means for decision-taking:

- “c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government’s recently published Housing Delivery Test indicates that Guildford’s 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

### **Conclusion.**

The principle of the proposed development is found to be acceptable and the proposal would deliver a net increase of five new homes. The proposal would not have a detrimental impact on the character and appearance of the site or surrounding area and would not cause a significant impact to neighbouring amenity. The proposal is also considered to be acceptable in terms of impact on protected species and sustainability.

The application is therefore recommended for approval.