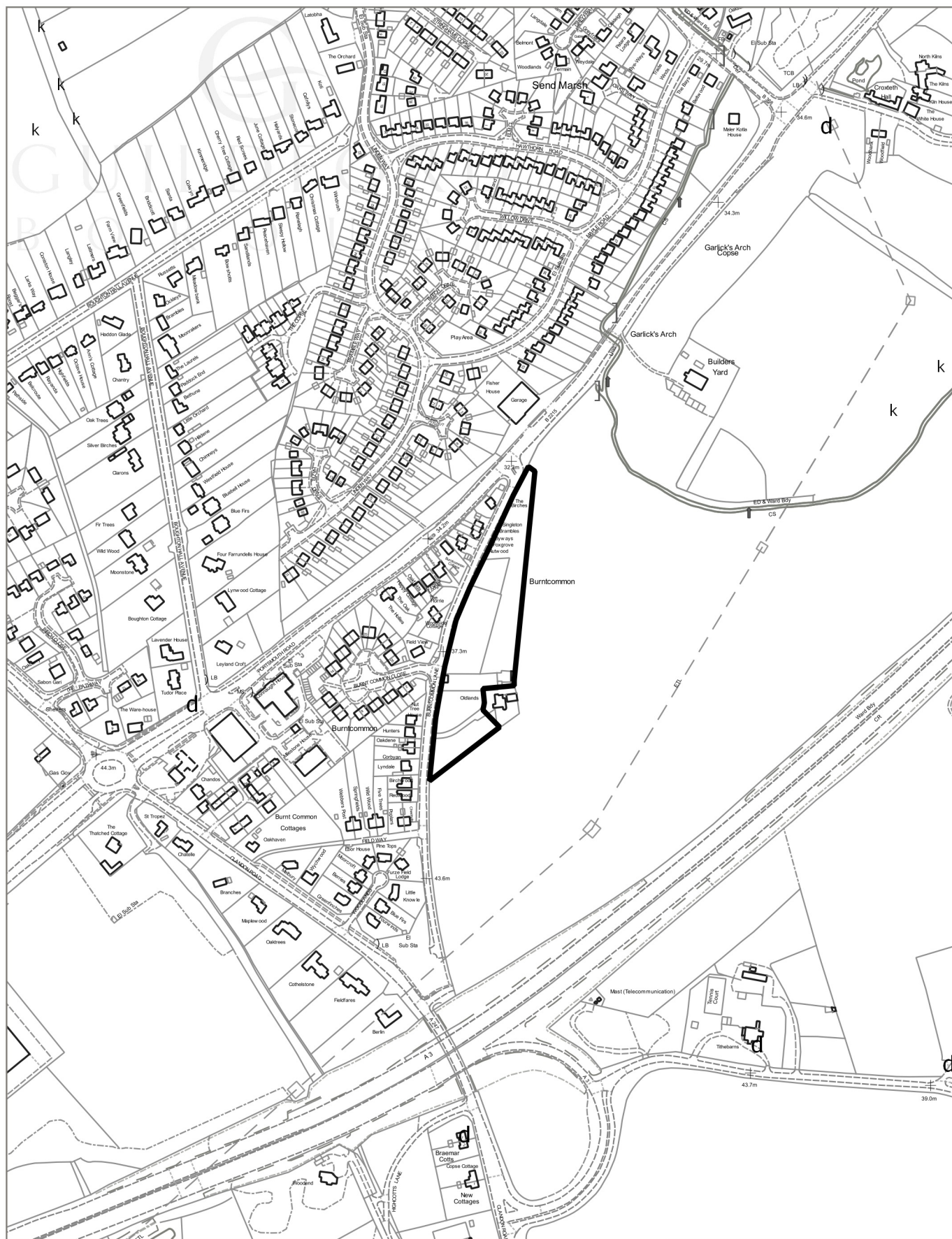


20/P/01736 - Oldlands, Burnt Common Lane, Ripley, Woking



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Print Date: 26/05/2021



Not to Scale



GUILDFORD
BOROUGH

20/P/01736 – Oldlands, Burnt Common Lane, Ripley, Woking



Not to scale



App No: 20/P/01736
Appn Type: Full Application
Case Officer: Katie Williams

8 Wk Deadline: 30/06/2021

Parish: Send
Agent : Mr D Neame
Neame Sutton Limited
West Suite
Coles Yard Barn, North Lane
Clanfield
PO8 0RN

Ward: Send
Applicant: Crownhall Estates Limited c/o Agent

Location: Oldlands, Burnt Common Lane, Ripley, Woking, GU23 6HD
Proposal: The erection of 30 no. residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

Key information

The proposal is for the erection of 30 no. residential dwellings, including 12 affordable homes, with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.

Market:

3 x 2-bed houses
10 x 3-bed houses
5 x 4-bed houses
Total = 18

Affordable:

4 x 1-bed flats
2 x 2-bed flats
4 x 2-bed houses
2 x 3-bed houses
Total = 12

Breakdown:

Market: 60%
Affordable: 40%

Parking:

Total of 64 parking spaces

61 allocated parking spaces (including garaging / car ports)
3 visitor spaces

Summary of considerations and constraints

With the adoption of the new Local Plan, this site is no longer designated as being within the Green Belt. The application site forms part of the wider allocated site of Garlicks Arch. Therefore the principle of residential development on the site is acceptable, in accordance with Policy A41 of the 2019 Local Plan.

The concerns regarding the design and layout of development raised under previous applications have been addressed and this revised scheme would result in a development of high quality design, which creates its own identity and character but which is also sympathetic to local character and history, including the surrounding built environment and landscape setting. 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 the recommended conditions the proposal would not have a detrimental impact on highway safety, neighbouring amenity and would not have adverse impact in terms of flood risk.

The development would achieve carbon emission reductions through the building fabric, this would then be complemented by in-situ renewable energy sources to achieve the required 20% carbon emissions reduction. In addition to this there would be a Site Waste Management Plan, electric vehicle charging points and cycle storage. This would support sustainable design, construction and lifestyles.

An Ecological Enhancement Scheme has been put forward to ensure a net gain in biodiversity can be secured. The necessary SANG and SAMM contributions will also be secured by way of a S106 agreement to ensure any adverse impact on the TBHSPA is adequately mitigated.

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;**
- **£28,000 for implementation of 2 bus shelters and their foundations within the vicinity of the site;**
- **Education contributions as specified by Surrey County Council**
- **Healthcare - contribution towards additional clinical floorspace for a GP practice within the local area**
- **Off site Ecological Enhancements in accordance with the submitted Ecological Management Plan**

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

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

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

1. The development hereby permitted shall be begun before the expiration of 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:

Received on 12 October 2020:

20107/S101 Site Location Plan
20107/S102 Existing Site Plan
20107/P127 Proposed Car Barn
20107 P115B Plots 9-12 Floor Plans

Amended plans received 9 March 2021:

20107/C101 Coloured Site Layout
20107/P101H Proposed Site Layout
20107/C102B Proposed Street Scene

Floor plans and elevations (received 9 March 2021):

20107 P110C, P111D, P112D, P113A, P114A, P116C, P117B, P118B, P119A, P120A, P121A, P122A, P123C, P124A, P125B, P126B and P128A.

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 the commencement of development above the damp proof course (dpc) level, large scale plans to a scale of at least 1:20 shall be submitted to and approved in writing by the Local Planning Authority for:
 - a) fenestration details including depths of reveal, sections, mouldings, glazing bars, trickle vents, materials, colour, finishes and method of opening;
 - b) pattern brick and hanging clay tile work;
 - c) headers and cills;

- d) balcony, access ramp and other balustrading, excluding the use of glass and sheet materials;
- e) garage doors, including panelisation, glazed window and door within a door (where practicable)
- f) porches;
- g) chimneys;
- h) roof verges and eaves;
- i) dormer windows;
- j) profile of roof slopes or other surfaces with solar photovoltaic panels fully integrated in sectional build-up and visually co-ordinated to the plan and general appearance of the building and surrounds.

The development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development above the damp proof course (dpc) level, a written schedule including source/ manufacturer of materials based on the principles in the Design and Access Statement, shall be submitted to and agreed in writing by the Local Planning Authority. The submission shall be supplemented with a sample board(s) of the submitted materials to be constructed within the site compound or an alternative agreed location:

- a) bricks, tiles and cladding materials;
- b) fascias and soffits;
- c) rainwater goods, vents and flues;
- d) footpath, driveway and all other hard standing areas;

The sample board shall be retained on site until the completion of the relevant phase of development. The development shall be carried out using the approved external materials.

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

5. 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) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **2.3 l/s**.

- b) 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.).
- c) Details of the receiving watercourse including whether there is sufficient capacity, what condition it is in and if there are any flow restrictions downstream.
- 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.

6. 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.

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 plans, Drawing No. 20107,P101,B, 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.

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

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

9. No part of the development shall be first occupied unless and until the proposed vehicular accesses to Burntcommon Lane have been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 1903002-201, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

10. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Burntcommon Lane or Portsmouth Road during these times
- (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction of the development.

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

11. The development hereby approved shall not be first occupied unless and until the bus stops on Portsmouth Road have been improved, to include re-location of the south –westbound bus stop and provision of accessible kerbing, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter shall be maintained.

Reason: To encourage sustainable modes of transport.

12. The development must accord with the Arboricultural Impact Assessment and Method Statement prepared by ACD Environmental, dated 4th September 2020. No development shall start on site until the protective fencing and any other protection measures shown on the Tree Protection Plan in the Arboricultural Report have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer.

Reason: To protect the trees on and adjacent to the site in the interests of the visual amenities of the locality.

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. Notwithstanding the approved plans, prior to the commencement of development above the damp proof course (dpc) level, details for the refuse collection points including, surface, dimensions (to accommodate the required number of bins) and any means of enclosure and a waste management plan for the new dwellings, to include details of how the movement of bins to and from the bin store for Plots 25-30 will be managed, shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the storage facilities for bins and recycling and the bin collection area(s) shown on the agreed details have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

15. The development shall be constructed in accordance with the measures set out in the Energy and Sustainability Statement prepared by Bluesky Unlimited dated 2 September 2020 and achieve or improve upon the standards set out in those documents. The development shall be built in accordance with the approved details and thereafter maintained (as far as practicable).

Reason: To ensure that the development takes sustainable design and construction principles into account, including climate change adaption and reducing carbon emissions.

16. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.
- Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced.
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 Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.
18. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to each dwelling/building hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each dwelling where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.
- Reason: To ensure that the new development in Guildford is provided with high quality broadband services and digital connectivity. It is considered necessary for this to be a pre-commencement condition because utility services need to be agreed at the groundworks stage of construction.
19. Prior to the occupation of development the pedestrian / cycle link through to the adjacent Garlick's Arch development (between Plots 7 & 16) must be implemented in full accordance with the approved plans (as shown on drawing number 20107/P101H (received 9 March 2021)). The link shall be maintained in accordance with the approved plans for the lifetime of the development.
- Reason: In order to enhance the pedestrian / cycle links with the local area and encourage sustainable modes of transport.

20. Prior to first occupation of the development, details of all boundary treatment, including a plan indicating the positions, height, species, materials and type of boundary treatment to be erected, as appropriate, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.

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

21. The development shall be carried out in accordance with the landscaping scheme (hard and soft landscape proposals) shown on drawing no.s CRO 18974-11A (Sheets 1 to 3) received 12 October 2020. 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.

22. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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

23. A landscape management plan covering a period of no less than 10 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner.

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

24. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local planning authority during development and for a period of five years after completion of the building(s), structure(s) or any other development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 November to 31 March) following their loss or removal.

Reason: In order to ensure that the site is landscaped and is maintained in the interest of the visual amenities of the area, ensuring the adequate respect for trees, set out in Section 197 of the Town and Country Planning Act 1990.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected forward of any wall of the dwelling(s) (including a rear or side wall)] which fronts onto a highway, carriageway or footpath].

Reason: In the interests of visual amenity.

26. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

27. Prior to first occupation details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the Sensitive Lighting Management Plan to comply with 'Bats and Lighting in the I - Bats and Built Environment Series'. The details shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In the interests of visual and residential amenity and to prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

28. 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) any garage or car barn which has been approved with open sides, fronts or backs shall remain as such in perpetuity and they shall not be further enclosed in full or in part at any time and be useable for its designated purpose for car parking.

Reason: To prohibit the unsightly enclosure of the structures and in an ad-hoc manner, to protect the character and appearance of the development and ensure that parking provision is maintained to prevent obstruction of the highway.

29. The development hereby approved shall have 2 homes constructed to meet Building Regulations M4(3) 'wheelchair accessible dwelling' standards and this dwelling shall include storage space for the storage of mobility scooters/wheelchairs and associated charging points, where practicable. 3 of the units hereby approved shall also be designed to meet the Building Regulations 'accessible and adaptable dwellings' M4(2), as specified in the 'schedule of accommodation' on Page 49 of the Design & Access Statement (received 9 March 2021). Thereafter these features and accessible homes shall be retained and maintained for the life of the development.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

30. The development hereby approved shall be based upon the principles of Secured by Design (physical security) or the Building Regulations equivalent, and the scheme shall be implemented in accordance with those principles.

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

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) or any succeeding or replacement legislation, no extensions or alterations to dwelling houses hereby approved shall be carried out under Schedule 2, Part 1 (Class A for Plots 7 to 16 only, Class B all plots and Class F all plots); and Part 3 Class L (all plots).

Reason: Having regard to the specific, innovative and detailed design of the approved dwellings, maintaining satisfactory private outdoor amenity space and place-making principles.

32. No development shall commence until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. This shall include:
- a) measures for noise and vibration mitigation during each phase of construction, together with plans to monitor noise and vibration during construction;
 - b) specify the proposed piling method and the reason for its selection. This shall take into account the ground conditions of the proposed development site and the proximity of residential properties
 - c) lighting requirements during construction; and
 - c) a Dust Management Plan.

The CEMP measures shall be maintained for the course of the development works.

Reason: In order to safeguard against the emission of noise, vibration and dust to protect the amenities of the locality. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

33. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

34. Prior to the commencement of development, a landscape and ecological management plan (LEMP) should be submitted to, and be approved in writing by the LPA. The content of the LEMP should include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

35. The recommended 'mitigation and compensation' actions in section 5 of the EIA (Ecological Impact Assessment (EIA) by ACD Environmental dated 25 August 2020) and in the Letter of Report (by ACD Environmental dated 10 December 2020) shall be implemented in full during the course of development in order to help protect habitats currently on site and species from adverse effect resulting from development, together with the Ecological Enhancements outlined to help add biodiversity value to the site post development.

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

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk
3. 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>.
4. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

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

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

6. 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.

7. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

8. 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.

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

10. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs.
11. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
12. The Environmental Protection UK Guidance on Land use planning and development control: Planning for Air Quality, 2017 (<https://iaqm.co.uk/text/guidance/air-quality-planningguidance>) provides important guidance on air quality considerations to all new developments and planning control that can be applied. The guidance recommends that all new developments should incorporate good principles of design with regard to minimising emissions and the reduction of impacts on local air quality. The following good design principles as discussed in chapter 5 of the document are relevant to this development:
 - The provision of at least 1 Electric Vehicle (EV) rapid charge point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
 - All gas-fired boilers to meet a minimum standard of <40 mg NO_x/kWh.

Officer's Report

Site description.

The site forms part of the Garlicks Arch site allocation which has recently been removed from the Green Belt following the adoption of the new Local Plan (LPSS: 2015-34).

The site consists of a gently arching strip of land which sits within but on the western edge of the Garlick's Arch site allocation immediately adjacent to Burnt Common Lane. The site measures approximately 1.35 hectares. It is currently undeveloped, except for a single detached house located at the southern end of the site known as Oldlands. The site is adjacent to established residential development on the western side of Burnt Common Lane. Agricultural land lies to the east and south of the site, this land makes up the Garlick's Arch site allocation. The A3 is located to the south east of the site beyond the agricultural fields. The boundaries of the site are well defined by mature trees and vegetation.

The site is within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area.

Proposal.

The erection of 30 no. residential dwellings, including 12 affordable homes, with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.

A small two storey apartment building (6 apartments) marks the north extension of the site. Beyond this to the south the proposal incorporates houses fronting Burnt Common Lane culminating in a small landscaped mead. This is accessed via a turning nearly opposite that for Burnt Common close. Six new houses are placed around the newly landscaped mead ('Oldlands Green') to frame the original farmhouse. Upon turning into the mead, a short roadway leads north in hammerhead form to serve nine houses. There is one roadway connection in and out that connects the southern portion of new housing to Burnt Common Lane. Plot 1, the southernmost plot and the upper area of housing are served with separate access points directly off the Lane.

The development proposes a mix of sizes and typologies of dwellings, from individual 2-storey, detached, semi-detached and short-form terraces of three, 2 storey houses, reaching up to the modest scale apartment building (of 6 apartments) at the northern end of the site.

One main area of open space ('Oldlands Green') is proposed towards the southern end of the site, opposite the existing dwelling at Oldlands and a balancing pond is proposed at the northern end of the site.

Changes from refused application (19/P/02191)

- More coherent extension to the Garlick's Arch proposals
- Positive link between the site and Garlick's Arch provided with good natural surveillance
- Clearly defined and strong frontage to Burnt Common Lane (Avoiding backs and ensuring that any flanks have dwelling entrances and are actively fenestrated and articulated)

- Corner turning apartment building at the northern end of the site well integrated with the scheme
- Linear green corridor as a wide verge provided along the Burnt Common Lane frontage Retained Oldlands property integrated into the grain and layout of the scheme and responding to the building line presented by its frontage
- Creation of a formal and more clearly defined green with Oldlands as a visual focus Houses arranged to provide strong frontage around 'Oldlands Green'
- Proposed architectural theme responds to the Surrey Style and is complementary to the proposals for Phase 1 at the adjacent Garlick's Arch site
- Distinctive character to the proposals as an integrated part of the wider masterplan Layout, form and massing amended
- Grain which reflects the sites location at the interface between Garlick's Arch and properties west of Burnt Common Lane
- Maximum building heights for all buildings reduced to 2 storey, compared to 2.5 storey elements shown on refused application
- Direct access points proposed for Plots 20&21, 22&23 and 24-30

Proposed dwelling mix

Market:

3 x 2-bed houses
 10 x 3-bed houses
 5 x 4-bed houses
 Total = 18

Affordable:

4 x 1-bed flats
 2 x 2-bed flats
 4 x 2-bed houses
 2 x 3-bed houses
 Total = 12

Breakdown:

Market: 60%
 Affordable: 40%

Figures

Site area: 1.38Ha (including the dwelling at Oldlands to be retained)

Density: 22.46 dwellings per hectare (including the dwelling at Oldlands to be retained)

Site density of Burnt Common Close, dwellings per hectare (dph): 23.3 (includes road)

Site density of dwellings to north of Burnt Common Close (dph): 18.6 (no road)

Site density of dwellings to south of Burnt Common Close (dph): 22.2 (no road)

Parking:

Total of 64 parking spaces
61 allocated parking spaces (including garaging / car ports)
3 visitor spaces

Market housing (parking spaces):

3 x 2-bed houses = 4.5 no. required / 6 no. provided
10 x 3-bed houses = 20 no. required / 20 no. provided
5 x 4-bed houses = 10 no. required / 16 no. provided
Total = 34.5 no. required / 42 no. provided

Affordable housing (parking spaces):

Flats

4 x 1-bed flats = 4 no. required / 4 no. provided
2 x 2-bed flats = 3 no. required / 3 no. provided

Houses

4 x 2-bed houses = 6 no. required / 8 no. provided
2 x 3-bed houses = 4 no. required / 4 no. provided
Total = 17 no. required / 19 no. provided

Open Space:

One area (central green) with a total area of approximately 1,000 m2

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
21/P/00352	Proposed erection of 29 residential dwellings with associated vehicular and pedestrian access via Burnt Common Lane, garaging, car parking, secure cycle storage and landscaping. [This is an alternative scheme for the same site]	Pending	N/A
19/P/02191	Proposed erection of 30 residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.	Refused	Appeal allowed 26/05/2020 (appeal decision appended to this report)

19/P/01112	Proposed erection of 32 residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.	Withdrawn 27/09/2019	N/A
14/P/00219	Outline application for retention of existing dwelling and the erection of 25 new dwellings with associated access. (All matters are reserved except for access and layout) (amended application form received and description amended 14.02.14).	Refuse 07/05/2014	N/A

There is also a current planning application (19/P/02223) for residential development on the remainder of the Garlick's Arch allocated site (adjoining the application site). The proposed development is for up to 520 dwellings and the application is currently under consideration on the same planning agenda.

The appeal decision for the previous refused application 19/P/02191 was issued on 26/05/2020 and the appeal was allowed. A copy of the decision is appended to this report.

Consultations.

Statutory consultees

County Highway Authority:

- no objection subject to recommended conditions and subject to an agreement to secure: A contribution of £28,000 for implementation of 2 bus shelters and their foundations within the vicinity of the site
- the vehicular accesses have sufficient visibility in both directions.
- we want to encourage travel by sustainable modes of transport to deter use/need of private vehicle, the S106 contribution and proposed highway works should encourage use of the local bus stops for future occupiers.
- the site is located within walking and cycling distance of many existing amenities and facilities.
- the proposal will not result in a significant impact on the highway network.

Thames Water:

- no objection with regard to the waste water network and sewage treatment works infrastructure capacity.
- requirements regarding proximity to public sewers and Thames Waters underground assets and requirements regarding surface water drainage.

County Archaeologist

- condition recommended to secure the implementation of a programme of archaeological work.

Local Lead Flood Authority (LLFA) - Surrey SUDS

- satisfied that the proposed drainage scheme meets the requirements set out in the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems and content with the development proposed, subject to recommended conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Internal consultees

Recycling and Waste Projects Officer:

- suggest that a bin storage area that can accommodate 3-4x 240L wheeled bins be seriously considered for properties of 3+ bedrooms.
- the block of 6 flats are a mixture of 1 and 2 bedroom so will need use of 1x 1100L refuse, 1x 1100L recycling and 1x140L food waste. The developer has planned for 3x 1100L bins and 2x 140L bins which is good as it accounts for upcoming changes in the Environment Bill.
- it is expected that we will empty bins from Burnt Common Lane for plots 20 – 30 so no vehicle routing is provided. The swept path analysis covers the remaining plots and is acceptable, tracking a vehicle that is slightly longer and wider than ours alongside a slightly larger turning radius.
- all of the bin collection points listed on 6.18 of the design and access statement are more than 5m away from where the vehicle will stop. This equates to 14 of the 30 plots and nearly 50% of the development. Plot 1 and plots 20 – 24 will need to present bins closer to Burnt Common Lane while the bin store for the flats block will need to be closer to the highway. The only way to prevent moving the collection points is to allow vehicular access in front of the properties so our vehicle can enter and exit the development in forward gear.
- Plots 2 – 4 should have a presentation location closer to where the vehicle drives round in front of plot 9 or plot 5. The reverse proposed outside Oldlands is not acceptable as all reversing should be eliminated where practicable.

Comments in response to amended Swept Path Analysis - Provisional Refuse Collection Points drawing (received 12 January 2021):

- the developer has addressed the concerns previously noted under waste collection.
- no issue with the vehicle routing and the presentation points for plots 20 – 24.
- I remove my objection subject to a condition to ensure the presentation point, and route from the bin store to the collection vehicle, for the flats (plots 25-30) is properly explained. Would expect the managing agent to arrange moving the bins in and out of the store but this needs to be confirmed. *[Officer comment: A condition is recommended to ensure these details are submitted to the LPA for agreement]*

Head of Environmental Health and Licensing:

- no objection subject to conditions including requirements for noise insulation from traffic noise and electric vehicle charge points.

Tree officer:

- No objection, subject to recommended condition.

Non-statutory consultees

Surrey County Council School Commissioning:

- contributions required towards Primary and Secondary School infrastructure in the area to increase capacity.

Surrey Wildlife Trust

comments received 17 November 2020:

- documentation submitted in support of this application does not clearly demonstrate that measurable net gains will be secured as a result of the proposed development. It is therefore not possible to ascertain that the development is in line with the requirements of the NPPF.
- recommended conditions to secure Ecological Enhancements in line with the submitted Ecological Impact Assessment document, bat sensitive lighting, Construction Environmental Management Plan (CEMP: Biodiversity) and Landscape and Ecological Management Plan (LEMP)

comments received (15 February 2021) following submission of additional information 'Letter of Report' dated 10 December 2020 from ACD Environmental

- the application as submitted will result in an overall net loss of biodiversity as a result of development which would be contrary to the obligations of the National Planning Policy Framework which requires no net loss to be secured as an absolute minimum and that net gain should be sought.
- therefore recommend that further information is required from the applicant to demonstrate that the net loss of baseline habitats is appropriately avoided, mitigated and as a last resort, compensated for, in line with the mitigation hierarchy, prior to the determination of this planning application.

comments received (20 May 2021) following submission of details of a proposed scheme for ecological enhancements off-site (offsetting scheme):

- the additional documentation acknowledges that the proposed development will result in a net loss of biodiversity at the development site and proposes that this biodiversity loss is compensated for via ecological enhancement measures at an offsite location detailed within the Ecological Management Plan

- advise that should the Council be minded to grant permission of the above referenced planning application, that the offsite ecological enhancement measures presented with the Ecological Management Plan are secured, through legal agreement, with secure land tenure, financial and ecological site management provision for a minimum of 30 years from date of grant.
- In addition, the Council should also ensure that development site ecological impact avoidance and mitigation measures are secured for the long term, as proposed within previously submitted documentation;
- advise that where the above is appropriately secured, that the applicant is able to demonstrate no net loss as a result of development and that the policy obligations of the National Planning Policy Framework is therefore met.
- All other comments relating to submission of LEMP and CEMP documentation pre-commencement, remain valid.

Parish Council

Send Parish Council: Objects

- all assessments need to take into account the whole of the Garlicks Arch site as there are inter-dependencies. The application for Garlicks Arch and Oldlands should be considered as a whole and not separately in respect of impact on the area, including the Environmental Impact Assessment.
- impact on wildlife including bats and deer, a more extensive wildlife survey is required
- the traffic assessment does not take into account the additional traffic from the Garlicks Arch development
- should be a single access point for the Garlick's Arch and Oldlands site
- impact on flooding
- insufficient parking proposals
- inadequate waste collection proposals
- broad strategic concerns regarding the impact of additional housing in Send parish including impacts from windfall sites not included in the adopted Local Plan, the impact on transport and movement, social infrastructure, character and affordable housing provision
- electric charging points should be included for all properties
- development is too urban for a semi-rural location on a previously greenfield site
- reasons for refusal for Field Way application regarding insufficient local infrastructure and impact on SPA are relevant to this application

[Officer note: The applicant has agreed to enter into a S106 agreement to secure the required contributions including towards education and GP surgery places]

Third party comments:

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

- increased traffic and congestion, safety risk
- increase in traffic will put extra burden on already congested local roads
- access with Portsmouth Road, exiting on Portsmouth Road is already difficult
- highway safety concerns - Burnt Common Lane is narrow and already congested with parked cars
- impact on local infrastructure, only one local doctors surgery and one local school which are oversubscribed and do not have capacity

- impact on the rural character
- positioning of access opposite entrance to Burnt Common Lane is dangerous
- impact on wildlife and protected species, including bats and badgers
- impact on drainage / already problems with flooding along Burnt Common Lane
- lies outside of the Local Plan site allocation [Officer note: the site is within the Garlick's Arch Site Allocation in the LPSS: 2015-2034 (Policy A41)]
- constant submissions for planning on the site is unacceptable
- overdevelopment
- broadband / internet infrastructure
- extra vehicle movements represent further unnecessary degradation to the Lane with no details provided as to what if any maintenance might be provided and how residents use of the lane is to be safeguarded
- air pollution
- noise pollution
- why is it necessary to have more than one access point?
- there are still brownfield sites in the area, which could be and should be built on before farm land

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

Planning Policy Guidance (PPG)

National Design Guide (NDG)

Guildford Borough Local Plan: strategy and sites (LPSS) 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%.

As this is over 85%, the buffer that needs to be applied to our five year housing supply (as set out in NPPF para 73) is now 5% rather than 20%. 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
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
A41 - Land at Garlick's Arch, Send Marsh / Burnt Common and Ripley
A42 - Land for new north facing slip roads to / from A3 at Send Marsh / Burnt Common

Evidence base:

Land Availability Assessment (LAA) 2020
West Surrey SHMA Guildford Addendum Report (SHMA Addendum) 2017
West Surrey Strategic Housing Market Assessment (SHMA) 2015
Green Belt & Countryside Study 2013

Send Neighbourhood Development Plan (SNDP) – Referendum Version 2019 – 2034

The plan passed at local referendum on 06.05.2021 and therefore carries full weight in decision-making.

Send 1 - Design
Send 2 - Housing development
Send 3 - Supporting the local economy
Send 4 - Green and blue infrastructure
Send 5 - Local Green Space
Send 6 - Supporting Community Facilities
Send 7 - Supporting sustainable transport

Send 8 - Car parking provision

Surrey Waste Local Plan (SWLP) 2019-2033

Policy 4 - Sustainable Construction and Waste Management in New Development

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

Following the adoption of the LPSS, 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.

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

South East Plan (SEP) 2009:

NRM6 - Thames Basin Heath Special Protection Area

Supplementary planning documents:

Climate Change, Sustainable Design, Construction and Energy SPD 2020
Planning Contributions SPD 2017
Thames Basin Heaths Special Protection Area Avoidance Strategy 2017
Guildford Landscape Character Assessment 2007
Vehicle Parking Standards SPD 2006
Residential Design SPG 2004
Surrey Design 2002

Other guidance:

Surrey County Council Vehicular and Cycle Parking Guidance 2018
Guidance on the storage and collection of household waste for new developments 2017

Planning Considerations

The main planning considerations in this case are:

- the principle of development
- Environmental Impact Assessment
- 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
- the impact on biodiversity and protected species
- the impact on the Thames Basin Heaths Special Protection Area
- archaeology
- sustainable design and construction
- the risk of flooding and the proposed surface water drainage strategy
- 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 application site forms part of the wider allocated site of Garlicks Arch so shall be considered under the specific site allocation policy.

The Local Plan 2019 has allocated the Garlicks Arch site (which the application site forms part of) under policy A41 for approximately 500 homes. The 30 houses proposed under this application would go towards the total number of homes provided for on this wider site allocation, they would not be in addition to the allocation of approximately 550 homes across the wider site.

The proposed site would not affect the land allocated under Policy A42 for a new north facing slip road to / from the A3 at Send Marsh / Burnt Common. The proposal therefore complies with Policy A41 in this regard.

The Garlick's Arch site is allocated for approximately 550 dwellings and 6 Travelling Showpeople plots in the adopted Local Plan: strategy and sites (LPSS). For this reason, the principle of residential development on this site is established. Therefore, the in-principle suitability and sustainability of the site for residential development has been established through the Plan Making process. As part of the plan making process, the Council developed a spatial strategy that sought to meet the identified need for housing in full in the most sustainable way. In doing so, the Garlick's Arch site was first identified in The Regulation 19 (2016) version of the plan. It was retained in the Regulation 19 (2017) version however, the proposed industrial use within the allocation was removed and replaced with the Travelling Showpeople use.

The justification for the allocation at Garlick's Arch included:

- it made an important contribution towards meeting identified housing need;
- including that of Travelling Showpeople;
- it made a significant contribution to early housing delivery thereby helping to address the significant backlog accrued since the start of the plan period and ensuring that the Council was able to demonstrate that the plan would achieve a rolling five year supply from the date of adoption;
- facilitated the provision of an A3 northbound on-slip and an A3 southbound off-slip at A247 Clandon Road (Burnt Common).

Following five weeks of hearings, including a specific session on the sites in and around Send/Send Marsh/Burnt Common, the LPSS was found sound by an independent Planning Inspector. In doing so the Inspector considered both the wider spatial strategy and the specific allocation at Garlick's Arch. He concluded that the spatial strategy allocates development to the most sustainable locations, or those that can be made sustainable, and that there is an appropriate balance of strategic/non-strategic sites as well as location of sites to provide choice and variety of housing across the borough. He also concluded that the site is well related to the village, accessible to the nearby facilities, would have a limited impact on the wider openness of the Green Belt and would help make a very effective contribution towards meeting the Borough's significant housing needs.

The Council is able to demonstrate a five-year housing land supply with an appropriate buffer. The supply, base dated 1 April 2020, is assessed as 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). It should be noted that this land supply figure has been prepared on the basis of an approval on Garlick's Arch and assumes a total of 450 units to be delivered during the five year period to 31 March 2025 – this equates to 9% of the total supply identified. 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%). These two factors mean that the development plan policies can be regarded as up-to-date in terms of paragraph 11 of the NPPF.

The principle of 30 dwellings on this part of the allocated site is therefore acceptable, subject to compliance with the detailed requirements set out in Policy A41 and other development management policies.

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

Environmental Impact Assessment

As noted above, a previous application (19/P/02191) for 30 dwellings on the application site was refused by the LPA and is currently at appeal. In relation to the appeal, the Planning Inspectorate has issued a screening direction in accordance with Regulation 14(1) of the EIA regulations. This screening direction is considered relevant to this current application which proposes the same number of dwellings on the same size site area.

The direction states:

The development proposed, namely, The erection of 30 residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley, falls within the description at 10 (B) of Schedule 2 to the above Regulations. In the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons:

The site is located within the Zone of Influence of the Thames Basins Heaths Special Protected Area (SPA) located c 4.4km North East, and c 4.5km west at its closest point. Mitigation measures are available for aspects of the Proposed Development, including a financial contribution to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) measures for the Thames Basins Heaths SPA.

Whilst there may be some impact on the surrounding area and nearby designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact. There would be no likely significant effects in terms of noise, waste, contamination, flooding, ecology, arboriculture, archaeology, cultural heritage, transport, or complex construction. The threshold criteria at 10 (B) of schedule 2 to the above regulations are also not exceeded.

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 14(1) and 7(5) of the above Regulations, the Secretary of State hereby directs that this development is not Environmental Impact Assessment (EIA) development.

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 90%. 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	4	20	13
2 bed	9	30	30
3 bed	12	35	40
4 bed	5	15	17
Total	30		

(table 1)

Market mix	No.	SHMA % req	Provided %
1 bed	0	10	0
2 bed	3	30	17
3 bed	10	40	55
4 bed	5	20	28
Total	18		

(table 2)

Affordable mix	No.	SHMA % req	Provided %
1 bed	4	40	33
2 bed	6	30	50
3 bed	2	25	17
4 bed	0	5	0
Total	12		

(table 3)

In terms of the overall mix of the proposal, as shown in table 1 above, the overall mix is generally close to what the SHMA requires for the borough. The overall housing mix would comprise a greater mix of 3 and 4 bed units and less 1 bed units. This is due to a larger proportion of 3 and 4 bed market units and a greater level of 2-bed affordable units.

There are 4 x 1 bed units proposed with none of these being market units. However, 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. Given the application site forms the edge of the wider site allocation and that it sits immediately adjacent to the existing settlement edge, it is considered that the proposed overall housing mix would complement the local context.

Furthermore, taking into account the housing mix proposed under application 19/P/02223 for Phase 1 of the Garlick's Arch development, this would increase the proportion of 1, 3 and 4 bed affordable units and 2 bedroom market units closer to the SHMA requirement, when looking at the mix across both sites. Also, application 19/P/02223 for the wider Garlick's Arch site only provides details of housing mix for the first of three phases of development, with higher density and smaller units being delivered in Phase 2.

Therefore, whilst not strictly complying with the SHMA, taking into the location, context and characteristics of the site and that smaller units are proposed to be provided on later phases of development on the wider site allocation, it is considered that the proposed housing mix would be appropriate.

Policy H1 requires 15% of new residential development (on sites of 25 homes or more) to meet the Building Regulations 'accessible and adaptable dwellings' M4(2) or 'wheelchair user dwellings' M4(3) standard to help meet future housing stock needs identified accommodation needs. The application confirms that this requirement would be met with 5 (16%) of the units meeting the M4(2) or M4(3) standards and this could be secured by condition.

The proposed affordable housing provision is addressed in more detail below.

Affordable housing

The proposal is for the provision of 40% of the units to be affordable which meets the requirement specified by Policy H2.

The affordable units comprise 4 x 1 bed flats, 2 x 2 bed flats, 4 x 2 bed houses and 2 x 3 bed houses. Therefore 6 of the 12 affordable units will be provided as houses with private gardens, with 4 of the 6 x 2 bed units provided as houses with private gardens. The mix in the size of the affordable units is also close to meeting the mix requirement identified in the SHMA, with a greater mix of 2 bed units than required by the SHMA and no 4 bedroom affordable units provided. However, it is noted that when taking into account the affordable mix proposed under application 19/P/02223 for Phase 1 of the Garlick's Arch development, with 5 affordable 4 bed units proposed, the proposals taken together would meet the SHMA requirement for 4 bedroom units.

The proposed affordable houses are shown as Plots 7 & 8 and 17 & 18 and are therefore distributed through the site.

In line with the SHMA the requirement is for 71% affordable rented and 29% home ownership tenure (shared ownership). This tenure mix could be secured by way of a S106 agreement.

As a result, it is concluded that the application meets the requirements of Policy H2 of the 2019 Local Plan or Chapter 5 of the NPPF.

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”.

130 stipulates that “authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme, for example, through changes to approved details such as the materials used”.

131 stipulates that “in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area”.

Policy D1 (Place Shaping) of the 2019 Local Plan states that (1) “all new developments will be required to achieve high quality design” and in this case, to a strategic site (Policy A41), Policy (4.5.4) and (5), that distinctive high quality design shall “create its own identity and character” to “ensure cohesive and vibrant neighbourhoods”.

Policy 4.5.9 requires proposals to be developed with “flair, imagination and style” reflective of Guildford’s place as regional centre and County town.

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”.

The site forms a narrow western portion to the A41 site allocation in separate ownership from the adjacent Garlick’s Arch development, a plan for which is being considered under a separate planning application. Oldlands, an unlisted much altered seventeenth century farmhouse stands at the southern part. The east side plot line is shared with Garlick’s Arch and is defined by a long established land division and hedgerow. Burnt Common Lane defines the western boundary, a narrow semi-rural character roadway serving inter and post-war housing development. The north tip of the site virtually addresses the old Portsmouth Road, nearly reaching Burnt Common Lane’s junction with that road. The land is essentially flat. Characterful mature trees line the frontage to the lane.

Overview of proposals for a well-designed place in response to National Design Guidance (NDG) and the National Planning Policy Framework (NPPF)

Background to application design

This application follows refusal of a scheme by other designers,

Section 5.0 of the Design and Access Statement (DAS) fully records the process of review of design proposals for this application scheme detailing the three formal pre-application reviews which began with the first on 4th August 2020. A number of other spoken and written exchanges between the designers and Guildford Borough Council followed including exchanges in February 2021 clarifying and agreeing design refinement and amendments.

The initiating vision and design approach was considered, in principle, sound, because it addressed the reasons for refusal and withdrawal of the preceding scheme (by others). The application design sought to create a place laid out in sympathetic relation to three main site factors, namely, the public frontage to Burnt Common Lane, the old farmhouse, and potential for direct pedestrian connection through to the larger Garlick's Arch community planned adjacent in the east. The concept proposed a coherent urban proposition and formation of a place that avoided the mechanical and un-reflexive arrangements and design proposed previously by others.

To heighten the design response, guided by NPPF, NDG 1, 2 & 3, response to context, identity and built form, as well as local Policy D1 place-shaping, the design review sessions tested core matters of concept, development narrative, and the story of the place.

These discussions included wider community matters of connectivity of this smaller section to the larger neighbouring development at Garlick's Arch via a proposed pedestrian pathway. This connection avoids the pitfall of a marginally placed route, being embraced by the plan in alignment with a site roadway space bounded by houses.

Design reviews concentrated on the experience of a distinctive character of development, from the public point of view, to ensure clarity of design outcome aligned with the development vision. This included layout rationale and general building disposition, aggregation of building form, height (two storeys), punctuation of varying form and roof profile, fenestration, bay window and porch features, expression of gables, plays of symmetry and asymmetry, restrained palette of natural materials, coherent and orderly datum lines, and inter-relation of landscape.

Proposal layout – entrance and identity of place

The proposed development would be situated south of Burnt Common Lane's junction with the old Portsmouth Road. The proposals are designed to subtly command their position in this locality.

A small apartment building of two storeys height marks the north extension of the site. The extent of its aggregated plan and character of varying form and roof profile being sympathetically calculated to feature as a landmark, of appropriate weight and presence, on the turning from Portsmouth road into Burnt Common Lane.

This first building is designed to lead the eye south, along and past houses fronting the lane. These display a characterful play of local "Surrey Style" architectural form and detailed expression referenced in the DAS, culminating in a small landscaped mead. This is logically accessed via a turning nearly opposite that for Burnt Common close. Six new houses are placed around a newly formed landscaped mead to frame the original farmhouse as low-key centre-piece.

Upon turning into the mead, a short roadway leads north in hammerhead form to serve nine houses. With this arrangement, there is logically one roadway connection in and out that connects the southern portion of new housing to Burnt Common Lane. The upper area of housing is served more normally with separate access points directly off the Lane.

Design of homes

The proposed plan layout and the design of the homes is informed by exemplary analysis of the locality in the DAS. This work reviews the history of the site and the farmhouse, noting its own aggregated form built up over the years in distinct moments of extension. Local and wider Surrey architecture patterns, of vernacular agricultural and historic housing form, design, materials and character of development are assessed and interpreted in successful synthesis exemplified by the design.

The already noted principles of approach to the plan, the design and material expression of the architecture is evidenced in the submitted two, and three, dimensional drawings.

These present an orderly, proportionate, understandable and harmonious proposal that is considered sympathetic and would sit well in its context. By example, the scheme presents a compact arrangement of garaging integrated to the main body of homes, designed to present coherent well composed street scenes that would build an enhanced quality and atmosphere of place. Integrated garages would be made properly subservient and less dominant, rendering more attractive and inviting street and neighbourhood scenes.

It is considered that the strength of the plan idea and the variety and difference of arrangement and design of the homes will present an attractive and characterful development to the neighbourhood. As noted, this development will be well-connected to neighbouring development in the east by a landscaped pedestrian pathway.

Good order of the landscape spaces and formation of a place

The proposals respond to the situation and features of the site following national and local design guidance, as well as the Government's Building Better Building Beautiful Commission recommendations.

Following evolution of design in the exchanges noted above, the plans offer a well-designed place for living in accordance with the ten individual characteristics identified in NDG. These characteristics work together to "help nurture and sustain a sense of community" by creating desirable physical character. Further, these "all contribute towards the cross-cutting themes for good design set out in the NPPF".

The application plans for Oldlands would distinguish this small community of thirty households in its context for the reasons explained below.

Present proposals' measured with benefit of The National Design Guide (NDG) 2019

- (a. connection of the site to Old Portsmouth Road with presence of signature gateway housing form
- (b. promotion of a convincing sense of place and identity in a richly varied character of development that is well-related to the features of the local landscape, protecting and enhancing these qualities
- (c. connection to new community planned at Garlick's Arch via pedestrian pathway

Scale and appearance

The application plans present a playful complement of distinctive housing forms, profiles and subtly varying design expression rooted in an understanding of the vernacular and historic patterns of residential architecture of Surrey. Some of the house designs adopt playfully asymmetrical appearance under characterfully sloping cat slide or other roof forms in harmony with the historic Surrey and wider Arts and Crafts manner.

The development proposes a mix of horizontal scale / massing to built form from a range of typologies from individual 2-storey, detached, semi-detached and short-form terraces of three, 2 storey houses, reaching up to the modest scale apartment house allocated at the north (of six apartments).

As already noted, the proposals are founded upon a detailed character study of patterns and architectural characteristics of residential development within surrounding villages and more broadly based upon a study of vernacular 'Surrey Style'.

The resulting appearance of the development is presented in colour streetscene diagrams depicting the choreography of building forms, heights and elements/elevational treatments. The scheme relies on consistent use of materials in a muted palette of bricks and use of tile hanging under tile roofs. The DAS sets out the aim;

"limited variation in the palette of proposals would ensure that, together with the built form and layout, the materials would deliver local identity within a unified and coherent sense of place".

While the architecture and public realm within the new neighbourhood would reflect contemporary living within the 21st century, the use of materials, colour and texture would ensure it is related very strongly to its location and context.

the housing designs have incorporated a consistent use of simple forms and elevations, but which vary in terms of roof designs. Complementary contemporary handling of features is evident in the design of generous areas of fenestration particularly at ground floor level, and their balance within elevations. The 'Surrey Style' employed presents variety of character in roof forms and contrasting emphasis of different roof massing.

Material expression

The traditional use of materials, colour and building details within the local area has informed the approach to detailed design. Careful consideration of the appearance and performance over time of facing materials on the general impression of the place has informed proposals. It was felt that a more subtle palette of locally authentic natural brick and tile that would weather gracefully, and would not call inordinate attention, would be appropriate in the local context.

Oldlands' sense of place lies in a compound of material expression, as well as the substantive contrasts of varied building disposition, size and overarching form, and the considered landscape design. To promote a visually balanced and orderly environment, the limited materials palette was agreed to avoid an unnecessarily tokenistic variation of appearance in suggested "render" and "timber" facings, in addition to brick and tile. In principle, natural materials tend to weather more harmoniously. Natural materials are specified in the application.

The proposed design features more slimline, historically resonant detailing. For these reasons officers have recommended planning conditions in respect of final approval of materials and to secure details of architectural elements at 1:50 scale.

Trees and landscaping

Much of the existing soft landscape infrastructure including boundary trees and hedgerows will be retained and integrated into the development. There is a row of good quality mature trees along the western boundary of the site forming a frontage to the eastern edge of Burnt Common Lane. These comprise predominantly Common Oak and Ash trees and are to be retained as part of the proposed development. There is a row of Silver Birch trees along the eastern boundary with the adjacent Garlick's Arch site, this is also to be retained with some thinning. A hedge runs along the southern boundary with the adjacent Garlick's Arch site. In front of the existing Oldlands property is a Goat Willow tree. Although this is not of a good quality, it is an interesting tree as part of the setting of the existing house and it is proposed to retain it as part of the landscape layout.

Detailed soft landscaping proposals have been submitted with the application which show the retention of the existing mature trees and hedgerows together with new tree planting and soft landscaping incorporated across the site. This includes the provision of a soft landscaped frontage along Burnt Common Lane and provision of a landscaped open space ('Oldlands Green') to the front the existing dwelling at Oldlands. The proposed landscaping details will be secured by condition.

Refuse storage / collection

The proposed layout incorporates bin presentation points and storage areas and demonstrates that these can be satisfactorily accommodated as part of the development. Further to concerns raised by the Operational Services Team, an amended refuse vehicle routing plan has been provided which has addressed the concerns. A condition is recommended to ensure the full details of positioning, size and design of the presentation points and storage areas are submitted for approval and implemented in accordance with the agreed details prior to occupation.

Open / amenity space

The application proposes 30 new dwellings and as such is required by the Council's SPD 'Planning Contributions' 2011 to provide a total of 0.21 hectares of open space including formal playing field space, children's play space and amenity space. The proposed layout includes an area of Public Open Space towards the southern end of the site, proposed landscaped mead ('Oldlands')

in the middle of the site between Burnt Common Lane and the new access road serving running through the development. This area of open space measures approximately 0.1 hectares. There is then a small area of informal open space around the electricity sub-station opposite Plot 23 and a balancing pond to the rear of the apartment block (Plots 27-30). However, this is not shown to be publicly accessible space and as it will be a balancing pond, will not be useable.

The proposed area of public open space is considered to be a good usable area for informal recreation which is easily accessible to all the residents. The amount provided is also above the 0.032 required by the SPD for general amenity space. The two other areas are small in size and in terms of accessibility are not very usable spaces. However, they are considered to play an important role in the general landscaping and spacing of the site, by introducing elements of open space within and around the site. The amount of general amenity space provided is therefore considered to be acceptable. The proposal does not propose any children's play space or formal playing fields and therefore in accordance with Policy R3 of the saved Local Plan and the Planning Contributions SPD tariff, an off-site financial contribution is necessary for these elements.

Design and character - conclusion

In conclusion, it is considered that the proposal would achieve a distinctive high quality design that creates its own identity and character but which is also sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposed development would achieve a sympathetic transition between the established looser knit character and pattern of development along Burnt Common Lane and the proposed higher density of development on the wider Garlick's Arch site. Furthermore, it is considered it would provide an acceptable development on its own, notwithstanding the proposals for the wider Garlick's Arch site.

The proposal therefore accords with the criteria set out within the NPPF and NDG and also policies D1 and A41 of the LPSS 2015-34 and G5 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 therefore meets the requirements of Policies H1 and D1 of the 2019 in this regard.

The site is in relatively close proximity to the A3. The applicant has submitted a noise impact assessment, which was carried out by 24 Acoustics. The report concludes that, subject to the use of acceptable double glazed windows and ventilation, the internal noise levels would not exceed the recommended limits set by British Standards and the World Health Organisation (WHO). The report acknowledges that the external noise levels could exceed the WHO targets and as such recommends that the gardens of the proposed dwellings are bounded by 1.8m high garden fences with a minimum surface density of 12 kg/sqm.

Th Council's Environmental Health Team has assessed the report and raises no objection subject to the addition of conditions regarding the provision of noise insulation. It is however noted that, the southern end of wider Garlick's Arch site allocation lies between the application site and the A3. When developed, this will act as a considerable buffer. It is therefore considered that the noise insulation requirements could be adequately dealt with under the building regulation requirements in this instance. Details to ensure suitable boundary fencing for the rear gardens of the new dwellings will be secured by way of the suggested boundary treatment condition.

Impact on neighbouring amenity

As noted above, access to the site would be taken off Burnt Common Lane, with one main access point and four secondary access points. Whilst this proposal would increase the amount of traffic on this road, given the number of dwellings proposed, it is considered that the introduction of vehicles using the access points would be unlikely to lead to significant noise, light and disturbance for the dwellings and occupants which are located on the western side of Burnt Common Lane.

The layout shows the dwellings will be set back from Burnt Common Lane behind a wide soft landscape buffer which runs along the road frontage, enhanced by the retention of the existing mature trees, as you travel further south along Burnt Common Lane.

The closest proposed dwellings to Burnt Common Lane and therefore the neighbouring properties opposite will be the two storey apartment building (Plots 25-30).

A minimum separation distance of approximately 8.5m will be retained between the front of the apartment building and the back edge of the pavement along Burnt Common Lane, with a separation distance of approximately 18 metres to the nearest property on the opposite side of Burnt Common Close. This separation distance then increases to approximately 12m between the front of the dwellings on Plots 20-24 and Burnt Common Lane. The proposed dwellings are then positioned a similar distance back from the road as you travel southwards, with tree screening increasing by virtue of the existing mature trees which line the road frontage.

These separation distances are considered to be an acceptable and would not result in a significant loss of light or overbearing impact to the nearby dwellings. The separation distances and positioning of the dwellings would also ensure that there would not be an adverse loss of privacy to the occupants of the existing dwellings along Burnt Common Lane.

The Council's Environmental Health team has recommended that conditions are attached, including to ensure that a Construction Environmental Management Plan (CEMP) is submitted to the LPA for approval, to ensure that any impact in terms of noise, dust etc are during both the groundworks and construction works minimised and mitigated as appropriate.

Subject to the recommended conditions, it is considered that the proposed development complies with policy G1 (3) of the saved Local Plan with regard to the neighbouring amenity considerations.

Impact on highway safety and parking provision

There are 2 access points to the existing property from Burnt Common Lane. It is proposed that the northernmost of these will be used as the location for the primary access to the southern part of the site. All of the vehicular access to the site will be from Burnt Common Lane. Access points are limited by the locations of the good quality mature trees and their associated root protection areas along the western boundary. In the northern part of the site properties will be served by 4 direct plot accesses from Burnt Common Lane while the southern part of the site will be generally served from an access opposite Burnt Common Close with the exception of Plot 1 which will have its own direct plot access.

Surrey County Council, in their capacity as County Highway Authority (CHA), has no objection to the application subject to recommended conditions and a financial contribution towards improvements to bus stops 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 Burnt Common 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 the junction of Burnt Common Lane and Portsmouth Road and the risk to highway safety from the increased vehicle movements on both cars and pedestrians in the area. 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 Burnt Common Lane in both directions when exiting the proposed development accesses. The access also allows drivers to see vehicles exiting and entering Burnt Common Close. The likelihood of conflict occurring between vehicles and pedestrians travelling along the lane, which is restricted to a 30 limit, and vehicles entering/exiting the proposed and existing accesses is considered to be small. This is because there is unlikely to be a significant increase in the number of vehicle movements. It is considered given the low level of movement generated by the proposed development and the low likelihood of conflict any recommendation for refusal would not be warranted. Further concerns have been raised concerning the increase in cars parked along the road. However, 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.

In terms of parking provision, the proposal would accommodate 61 allocated car parking spaces for the 30 residential units and 3 visitor spaces, as well as retaining the existing parking at Oldlands. The 30 properties would range in size from one, two, three and four bedroom properties and according to the adopted parking standards this would require a parking provision of 52 spaces. The provision is therefore slightly above the maximum parking standards required for this application. Given the more rural location of this site and therefore the likelihood that car ownership would be higher than if it was in a more urban location, the level of parking provision is considered to be acceptable. A condition is recommended to ensure adequate bike storage for each dwelling.

The proposed layout has been designed in accordance with the manual for streets and as such is considered to be acceptable in terms of the width of the access roads. A new pedestrian walkway will run within the soft landscaped buffer along the road frontage, providing a safe pedestrian / cycle link through the development. A pedestrian / cycle link is also proposed through to the Garlick's Arch site. As set out in the D&A statement, the proposed scheme will create a new extension to the existing residential neighbourhoods of Burntcommon and Send Marsh with good links to existing facilities and amenities through the enhancement of the local footpath, cycleway and highway network together with enhanced public transport provision.

The submitted Transport Statement has submitted information regarding the transport accessibility of the site. The statement states that the maximum walk distance for commuting is 2km, reasonably fit people can comfortably cycle 8km and walking distances to bus stops should not exceed 400. In this case the report states that there are paths which provide access to Send Village Centre and Ripley. Portsmouth Road has a designated cycle lane allowing access to

Ripley and Send and other cycle routes provide access to Burpham (about 2.7km away). The nearest bus stop is approximately 100m from the site. This bus stop provides access to routes between Guildford and Woking and between Kingston-upon Thames and Guildford. The timetable submitted shows that the routes are available on a reasonably frequent basis during the week and weekends which would provide residents with an option to regularly use the bus routes.

The applicant has agreed to provide the necessary financial contribution required by the CHA to allow for the implementation of 2 bus shelters and their foundations in the vicinity of the application site. The CHA has stated that the Ripley bound stop should be moved slightly west, closer to the pedestrian refuge or an informal crossing should be implemented so people with mobility issues or with pushchairs can access the stop safely. The stop should be provided with 140mm high kerb for 7m. These measures would improve the service and encourage travel by sustainable modes of transport to deter use/need of private vehicles.

The nearest railway station is Clandon rail station, approximately 2.3km miles from the site, which has regular services to London Waterloo and Guildford and Woking Station can be accessed via the bus service. Furthermore, the site is within cycle and walking distance of local services at the petrol station and Send village centre. The site is therefore considered to be reasonably accessible to local services in the village.

The proposal therefore accords with Policy ID3 of the LPSS 2015 - 2034.

Trees and vegetation

An Arboricultural Impact Assessment and Method Statement has been submitted with the application. The Council's Tree Officer has no objection to the application. The majority of significant trees are located on the boundary of the development site and Burnt Common Lane. All these trees are proposed to be retained. To facilitate the development, tree removal will be required. One B category Ash tree, T10 will be removed. All other trees proposed for removal are in the lower two categories, C and U, and are not of a quality that should represent any constraint to development. The removal of these trees is mitigated for by replacement planting proposed as part of the detailed Landscape Plan.

A significant proportion of the Ash within the borough exhibit the early signs of the disease referred to as 'Ash Dieback'. It is simply not viable to retain Ash unless they are significant landmark trees. The linear group of Silver Birches (G8), planted on the eastern boundary with the Garlick's Arch site, are proposed to be retained to act as site screening. The group are currently tightly planted, and thinning of the group is proposed to alleviate competition pressure, with the canopies trimmed back to rebalance the crowns. Where removal of trees is proposed, replacement hedging is proposed to ensure there is site screening.

It is therefore concluded that subject to a condition to ensure that the development is carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement to ensure replacement planting in line with the landscaping proposals, 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.

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.

An Ecological Appraisal Report (by ACD Environmental, dated 14 January 2020) and Ecological Impact Assessment (EIA) (by ACD Environmental, dated 25 August 2020) have been submitted with the application.

The EIA has been informed by a desk study and survey work comprising a Phase 1 Habitat Survey with visual survey for badger and emergence surveys for bats. The conclusions of these reports are:

- habitats present on site are amenity grassland, semi-improved grassland, hedgerows with trees, hedgerows (intact - species poor), woodland (planted orchard) and allotment, introduced shrubs - these habitats are common in the wider landscape
- species present on site include nesting birds, commuting and foraging bats, as well as roosting bats within retained house.
- no records of dormouse from the 2km search area. the site is assessed as being of negligible value for dormice.
- no evidence of barn owl found during the survey
- the application site contains habitats that are of up to local value, and that provide opportunities for roosting bats, and opportunities for birds to nest and forage
- the residential house at Oldlands supports a brown long-eared bat roost and the garage supports an occasionally used common pipistrelle roost. These buildings are to be retained within the final scheme along with existing gardens, therefore no mitigation is required.
- mitigation for impacts on nesting birds are required to include removal of vegetation and buildings outside of the bird breeding season if possible, and to provide replacement habitat planting at the boundaries of the application site.
- measures to mitigate for other impacts have been set out along with recommendations for enhancement of the application site's ecological value
- implementing the recommendations will ensure that there are no significant impacts upon protected species

Whilst there are no concerns regarding the impact of the proposals on protected species, Surrey Wildlife Trust raised concerns regarding the net loss of biodiversity that would result from the proposed development.

Biodiversity net gain

A Letter of Report dated 10th December 2020 (from ACD Environmental) was subsequently submitted. This provides additional information with regards to the biodiversity baseline of the development site in order to identify whether biodiversity is lost or retained as a result of development. This additional information states that the development will result in a net loss of nearly 39% of baseline habitats. Compensation for loss of these habitats is not incorporated

within the design of the footprint of the development site and no off-site compensatory habitats creation provision is suggested.

The Letter of Report does indicate that the development will result in an increase in linear habitats by 51%, primarily through the planting of hedgerow. Provision of additional linear habitat is welcomed for providing additional ecological connectivity within the landscape. However SWT advised that linear habitat provision is not acceptable as appropriate compensation for loss of baseline semi-improved grassland habitats. Baseline grassland habitats and linear hedgerow habitats have different ecological functions. The conclusion has to be drawn that the development results in a net loss of baseline biodiversity units of largely semi-improved grassland which cannot be offset by the provision of new linear habitats.

SWT therefore recommend that further information was required from the applicant to demonstrate that the net loss of baseline habitats is appropriately avoided, mitigated and as a last resort, compensated for, in line with the mitigation hierarchy, prior to the determination of this planning application.

The following additional information has subsequently been submitted by the applicant:

- Excel spreadsheet presenting results of the DEFRA V2.0 Biodiversity Metric, assessor H. Roberts, dated 7th December 2020.
- Drawing titled Landscape Proposals, author ACD Environmental Ltd, dated April 2021 ref no. CRO18974-13-Sheet1
- 'Ecological Management Plan – Offsetting Parcel', dated 13th April 2021, author ACD Environmental Ltd.

The above referenced documentation acknowledges that the proposed development will result in a net loss of biodiversity at the development site and proposes that this biodiversity loss is compensated for via ecological enhancement measures at an offsite location detailed within the Ecological Management Plan above. The offsite location comprises of a 0.65Ha (approx) piece of land which currently part of a farmer's field off Tithebarn's Lane, located approximately 400 metres away on the eastern side of the A3.

SWT advise that should the Council be minded to grant permission of the above referenced planning application, that the offsite ecological enhancement measures presented with the above referenced Ecological Management Plan are secured, through legal agreement, with secure land tenure, financial and ecological site management provision for a minimum of 30 years from date of grant. In addition, the Council should also ensure that development site (on-site) ecological impact avoidance and mitigation measures are secured for the long term, as proposed within previously submitted documentation. These measures will need to be secured by way of a S106 agreement. SWT has advised that with the above appropriately secured, that the applicant is able to demonstrate no net loss as a result of development and that the policy obligations of the National Planning Policy Framework is therefore met.

In addition, due to the proximity of important habitat, including irreplaceable ancient woodland, SWT advise that a condition is attached to require the development process to be undertaken under the control of an approved Construction and Environmental Management Plan (CEMP), to help protect adjacent habitats from the adverse effects likely to arise from development works.

SWT also advised that a condition is attached to require the applicant to submit for approval a Landscape and Ecological Management Plan (LEMP) for this site which should incorporate the provision, conservation management and on-going monitoring of public open space habitats, species populations and ecological enhancements.

It is concluded that subject to the recommended conditions and a S106 agreement 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 LPSS 2015-2034.

Thames Basin Heaths Special Protection Area

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The application proposes a net increase of 30 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

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.

However, for development proposals on sites of one hectare (or above) the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a Flood Risk Assessment (FRA).

The Flood Risk Assessment includes a sustainable surface water drainage strategy to ensure there is no increase in flood risk. The Local Lead Flood Authority (LLFA) has assessed the report and the drainage strategy and has raised no objection to the addition of 30 houses in terms of surface water drainage, subject to the exact details of sustainable drainage systems (SuDS) being agreed. This can be dealt with by condition. Conditions are also recommended to ensure the implementation and maintenance of the drainage strategy for throughout the lifetime of the development would be secured by condition. With such a condition imposed and the agreed details implemented, the development will not exacerbate any existing surface water drainage problems within the area.

Archaeological impact

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 advises 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.

A condition is recommended to secure 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 LPA.

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. It is important to have this information early to ensure sustainability principles drive early site design.

Details of proposed measures

An Energy and Sustainability report prepared by Bluesky Unlimited has been submitted with the planning application which addresses the requirements of Policy D2. This details the proposed sustainability measures to be incorporated in the development. These measures are summarised as follows:

The buildings have been designed and will be constructed to reduce energy demand and carbon dioxide emissions. Once cost effective structures have been designed, low-carbon and renewable technologies have been considered for installation to provide heat and/or electricity.

The following hierarchy has been followed:

- Lean reduce demand and consumption
- Clean increase energy efficiency
- Green provide low carbon renewable energy sources

The water efficiency measures incorporated within the houses will ensure the water use is less than 110 litres per person per day and achieves the enhanced standard required by the Building Regulations.

Passive Design Measures will include:

Passive Solar Gain

- Passive measures include allowing for natural ventilation and exposed thermal mass coupled with high levels of insulation, air tightness and the control of solar gain. The position of the buildings within the site is in context with surrounding development. However, the homes are generally positioned with either a northwest and southeast orientation or a southwest and northeast orientation. The apartments are all designed with at least dual orientations. All units have access to direct sunlight at some point throughout the day.
- Natural Daylighting
- The orientation and the size of the windows have been optimised to maximise the amount of natural daylight and therefore reduce the demand for artificial lighting.

Efficient Building Fabric - Building Envelope

- U-values of the building envelope must meet Building Regulations standards and further improvements to U-values will reduce the houses heating requirements.
- Ground floors, external walls and roofs will be insulated
- Windows will be double glazed
- Air Leakage - Large amounts of heat are lost in winter through air leakage from a building (also referred to as infiltration or air permeability) often through poor sealing of joints and openings in the building. The Building Regulations set a minimum standard for air permeability of 10 m³ of air per hour per m² of envelope area, at 50Pa. It is proposed to achieve a 50% improvement over Building Regulations and the buildings will target a permeability of 5.0 m³/hr/m².

Active Design Measures will include:

- Efficient Lighting and Controls - Throughout the scheme natural lighting will be optimised. Building regulations require three in four light fittings (75%) to be dedicated low energy fittings. The homes will exceed this and all light fittings will be of a dedicated energy efficient type. External lighting will be fitted with time controls and light sensors to ensure illumination is restricted to required times. External lighting will be limited to a maximum fitting output of 150w.
- Space Heating and Hot Water

Proposed renewable energy technologies:

The policy can be achieved through the installation of 48 x 400W photovoltaic panels (6 panels on each of Plots 1-5, 13, 14 & 20) OR the installation of air source heat pumps into 10 detached houses (Plots 1- 6, 12-14 & 19). The panels located on Plots 1, 13 & 14 are orientated towards the east and therefore the output has been discounted to 85%. All panels could be located on rear or non-prominent side elevations and would not detrimentally impact on the aesthetics of the development. A Site Layout drawing has been submitted with the report showing the possible locations of the photovoltaic panels or those homes that could be equipped with air source heat pumps (Options 1 & 2 respectively).

The above proposed measures will be secured through the use of suitably worded planning conditions to ensure they are implemented as part of the development. The provision of electric vehicle charging points and secure cycle storage can also be secured by condition. In addition, a condition is also recommended to ensure a Site Waste Management Plan is submitted to the LPA for approval prior to the commencement of development, to ensure construction waste is dealt with in a sustainable manner.

As a result, the proposal accords with the requirements of Policy D2 of the LPSS: 2015-34 and the Council's Climate Change, Sustainable Design, Construction & Energy SPD 2020.

Section 106 requirements

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

Affordable Housing

There is a requirement that 40% are affordable for applicable schemes; in accordance with Policy H2 of the 2019 Local Plan. The application proposes 12 affordable units (as set out above), which is a total of 40%. Further clarification is required regarding the tenure of the houses proposed. Subject to a suitable tenure mix being secured by way of a s106 agreement the proposal is considered to be compliant with the requirements of Policy H2.

Open space provision

In accordance with the Planning Contributions SPD, the following Open Space contributions are required:

30 dwellings are proposed, and the 1,000 population is calculated at 2.5 persons per dwelling. Therefore in this case the calculated population would be 75 people. The following therefore needs to be provided:

- 0.12 hectares of formal playing fields
- 0.06 hectares of children's play space
- 0.03 hectares of amenity space

Total of 0.21 hectares

The proposed layout shows that the development would provide approximately 0.1 hectares of open space comprising of a central area of Public Open Space to the front of the existing dwelling (Oldlands). This central area of open space, which measures approximately 0.1 hectares is considered to be a good usable area for informal recreation and is easily accessible. This area is also well above the requirement for general amenity space and is therefore considered to be acceptable. However the proposal does not propose any children's play space or formal playing fields and therefore in accordance with local plan policy R3 and the Planning Contributions SPD tariff, an off-site financial contribution is necessary for these elements.

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 and the applicant has agreed to these contributions being secured by way of a S106 agreement.

Highways

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

- A contribution of £28,000 for implementation of 2 bus shelters and their foundations within the vicinity of the site

These are considered reasonably necessary improvements to sustainable transport links to the village of Send, associated with the development and to encourage sustainable modes of transport, in line with Policies A41 and ID4 of the 2019 Local Plan.

Healthcare

The proposed development would result in additional use of primary care facilities provided by GP practices. The calculation for the required contribution has been based on the formula provided by the NHS Surrey Heartlands Clinical Commissioning Group in response to the planning application 19/P/02223 for the adjacent Garlick's Arch site. Based on this, the benchmark GP to patient ratio should be 1:1,600. The additional new residents resulting from the proposed development would lead to up to 67 new patients. This equates to 0.04 of a fulltime GP and associated practice staff.

Allowing for a further 20m² per GP to account for use of GP surgeries to support the delivery of community services, this equates to a requirement of 7.4m² of clinical floor space which equates to a financial contribution of £25,900 towards clinical space.

Ecological Enhancements - Offsetting scheme

As set out above, the proposed development would result in a net loss in biodiversity on the application site. The applicant has subsequently put forward an Ecological Management Plan to enhance biodiversity on a separate piece of farmland in close proximity to the application site. The proposed offsite ecological enhancement measures need to be secured by way of a S106 agreement in order to secure land tenure and financial and ecological site management provision for a minimum of 30 years from the date of grant. This will ensure that the development does not result in a net loss of biodiversity and ensure the development complies with the obligations of the NPPF in this regard.

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 30 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. However, the applicant has not been invited to enter into a legal agreement as the development has not been considered acceptable in policy terms. As such without a legal agreement secured, an objection is raised to the development in this regard.

A minimum of 40% affordable housing provision must be provided in accordance with the requirements of the Council's Planning Contributions SPD 2011.

As the application proposes the provision of 30 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 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.

The required financial contribution for healthcare is based on the formula provided by the NHS Surrey Heartlands Clinical Commissioning Group which estimates the number of new patients likely to result from the development, the amount of additional clinical floorspace required to accommodate these patients and the cost of providing this additional floorspace at a GP practice in the local area.

The S106 also needs to secure the proposed offsite Ecological Management Plan in order to ensure the development does not result in a net loss of biodiversity, in line with the requirements of the NPPF.

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. The application site forms part of the wider allocated site of Garlicks Arch. Therefore the principle of residential development on the site is acceptable, in accordance with Policy A41 of the 2019 Local Plan.

The concerns regarding the design and layout of development raised under previous applications have been addressed and this revised scheme would result in a development of high quality design, which creates its own identity and character but which is also sympathetic to local character and history, including the surrounding built environment and landscape setting. 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 the recommended conditions the proposal would not have a detrimental impact on highway safety, neighbouring amenity and would not have adverse impact in terms of flood risk.

The development would achieve carbon emission reductions through the building fabric, this would then be complemented by in-situ renewable energy sources to achieve the required 20% carbon emissions reduction. In addition to this there would be a Site Waste Management Plan, electric vehicle charging points and cycle storage. This would support sustainable design, construction and lifestyles.

An Ecological Enhancement Scheme has been put forward to ensure a net gain in biodiversity can be secured. The necessary SANG and SAMM contributions will also be secured by way of a S106 agreement to ensure any adverse impact on the TBHSPA is adequately mitigated.

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.



Appeal Decision

Site visit made on 22 April 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/Y3615/W/20/3258735

Oldlands, Burnt Common Lane, Ripley GU23 6HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Langham Homes against the decision of Guildford Borough Council.
 - The application Ref 19/P/02191, dated 24 January 2020, was refused by notice dated 27 April 2020.
 - The development proposed is the erection of 30no. residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping on land off Burnt Common Lane, Ripley.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 30no. residential dwellings with the associated vehicular and pedestrian access via Burnt Common Lane, car parking, secure cycle storage and landscaping, at Oldlands, Burnt Common Lane, Ripley GU23 6HD, in accordance with the details in application Ref: 19/P/02191, and subject to the conditions in the attached schedule.

Procedural Matters and Main Issues

2. In allowing the appeal, I have removed reference to the appeal site from the description of development, and I am satisfied that making this change has not compromised the interests of the main parties.
3. The planning application was originally refused due to the absence of a completed legal agreement to secure the necessary infrastructure to mitigate the impact of the proposed development. Specifically, this related to contributions towards the Thames Basin Heaths Special Protection Area, as well as highway improvements, education, and off-site open space for children's play space and formal playing fields. In addition, the provision of 40% affordable housing was required.
4. Following the submission of the appeal, the parties have provided a completed and signed legal agreement under Section 106 of The Planning Act 1990 and this agreement provides all of the mitigation required by the Council. Based on the evidence before me, I am satisfied that the infrastructure requirements are necessary to mitigate the effect of the proposed development. Accordingly, they would meet the requirements of Paragraph 56 of the National Planning Policy Framework (the Framework) as well as Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations).

5. Although usually expected, the mortgagee is not party to the agreement. The evidence confirms that this is their usual position and that it is a long-standing position of the company not to enter into such agreements. This is a shortcoming of the agreement and brings with it an element of risk should the site have to be repossessed. However, I note that the parties are content to proceed on this basis and I have no reason to disagree. Consequently, I am satisfied that the limited risk of repossession should not stand in the way of the development coming forward.
6. As identified above, the obligations are CIL compliant, and therefore, I give the legal agreement full weight in my assessment of the appeal. On this basis, the completed agreement addresses refusal reason 2. Accordingly, the main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area; and
 - ii) the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

7. The appeal site forms part of a housing allocation which has recently been removed from the Green Belt. It is a strip of primarily undeveloped land with a wide frontage on to Burnt Common Lane, which runs adjacent to the site from north to south. To the southern end of the site, and well set back from the main highway is Oldlands, a detached dwelling, and opposite the full extent of the site, there is an established residential environment that fronts Burnt Common Lane.
8. The existing built up frontage exhibits inherent variety. Houses are not set on a consistent building line, and architecturally, they differ. Some properties are set back from the road, some are closer, and some are angled towards it. In addition, there is a variety of detached and semi-detached houses, and gaps between buildings are not consistent. The spaces between buildings generally offer opportunities for well-maintained landscaping and mature trees and there is also a varied roofscape with pitched and hipped roofs widely apparent. Burnt Common Close offers a more consistent layout with semi-detached houses set around a central parking and turning area in a modest cul-de-sac, but generally the immediately adjacent environment lacks specific uniformity or rhythm within the street scape.
9. The western boundary of the appeal site is generally formed by mature hedgerow and large trees, beyond which is undeveloped open countryside. When this is combined with the verdant spaces between existing dwellings, and the variety found in the layout of houses, the character and appearance is one of a pleasant, transitional environment between edge of settlement and open countryside, to which the appeal site contributes positively. However, as identified above, the appeal site also forms part of a broader allocation for housing development, and accordingly, its character and appearance will evolve and change over time.
10. The proposal would introduce 30 new dwellings onto the site. To the south, Oldlands would be retained and an arc of four houses would run from the retained dwelling towards the highway. Opposite Oldlands, plots 5 and 6 would look towards the retained dwelling and into the proposed development.

Accordingly, these dwellings would present their rear elevation and amenity space to the existing highway. This would contrast with the prevailing nature of the surrounding development as houses generally front, or at least run perpendicular to, Burnt Common Road. However, despite this, the proposal details that existing trees and landscaping would be retained at this location and the retention of these features would soften the appearance of plots 5 and 6.

11. To the north of these two properties would be an area of public open space. This would be set forward of plots 7 – 12 and due to its size and central location, it would provide a spacious quality to the proposed layout. Retained trees would be supplemented by proposed landscaping and the resultant space would assist in partially retaining the transitional verdant quality of the existing environment.
12. Plots 17 – 20 would sit forward of the main run of houses which would back on to the eastern boundary of the site. Due to this siting, on plan they occupy a somewhat awkward location. However, the design of the houses is such that they would front Burnt Common Lane. They would also be set back from the road behind a linear open space that would be landscaped and contain a meandering footpath. The mature hedgerows would also be retained along with important trees. Accordingly, rather than appearing as an incongruously sharp arrangement, the landscaping and space to the front of the site would generate a pleasant setting for the two pairs of houses, and one that would complement the verdant surroundings. The rear elevations would be of less visual interest, however, the dwellings opposite would provide interest within the street and would therefore ensure a suitably active frontage.
13. Moving to the north of the proposed layout, I note the concerns in relation to Plots 23 – 30. The siting of these buildings does run contrary to the more linear nature of the rest of the proposal. However, their flank elevations would have some visual interest, and as identified above, the immediate surroundings do exhibit variety within the street scene in terms of the positioning of buildings. When assessed in this context, I am satisfied that the buildings would be experienced as an additional example of such variety. An area of hardstanding would also be located between the facing buildings and in isolation, this could be considered to represent a stark piece of urban design. However, the site layout would introduce sufficient pockets of openness to compensate for an isolated area of hardstanding. Consequently, this element of the proposal would not appear fragmented or cramped, and instead, due to the spacious surroundings, it would be suitably integrated with the rest of the proposal. The buildings would be located close to the eastern boundary of the site, however, I have no reason to consider that future proposals could not be adequately designed around this minor constraint.
14. The dwellings themselves would include a mixture of detached and semi-detached houses, with some short terraces also proposed. In my view, such an arrangement compares favourably with the surrounding grain, and for the reasons identified above, I am also satisfied that it would connect in an appropriate manner with the local street scene.
15. I note the concerns regarding the height of some of the properties, but there are examples of 2.5 storey dwellings in the immediate surroundings and due to the limited use of dormer windows, this would not be an overwhelming feature

of the development. Hipped roofs are also commonplace within the existing built environment. Consequently, their use in this proposal would be entirely sympathetic and complementary to the existing street scene.

16. The Council refer to what they perceive as a lack of a special over-arching story for the new settlement and that the proposal would introduce uniform and standardised design that would not reflect the local vernacular. However, for the reasons identified above, in my judgement the proposal would retain important landscaping which would provide a somewhat spacious setting for the development. This would aid the transition from the existing semi-rural environment to what will become a larger housing development. I note the reservations about particular events within the proposed street scene, however, the context opposite is sufficiently varied to accommodate these elements satisfactorily. Moreover, the proposed pedestrian links would enable integration with the broader development and subject to suitable landscaping and boundary enclosures, I have no reason to consider that these would not be well-used and inviting spaces.
17. Paragraph 127 of the National Planning Policy Framework (the Framework) establishes a series of criteria to help achieve well-designed places. In addition, the National Design Guide places distinct emphasis on context, identity and built form. For the reasons identified above, there is nothing compelling in the evidence to persuade me that the proposal would not represent an appropriate layout for the site, or that it would not complement the surrounding character and appearance of the area. Consequently, the proposal would provide a sensible transition between the existing settlement and the broader housing allocation. I therefore conclude that the proposal would not harm the character and appearance of the area. On this basis, there would be no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) and Saved Policy G5 of the Guildford Borough Local Plan (2003), as well as Paragraph 127 of the Framework. Taken together, these require all new developments to achieve high quality design that responds to distinctive local character.

Thames Basin Heaths Special Protection Area

18. The appeal site is located within the buffer zone of the Thames Basin Heaths Special Protection Area (SPA). The SPA is designated due to the presence of breeding populations of Dartford Warblers, Woodlarks, and Nightjars and due to the location of the appeal site, the requirements of the Conservation of Habitat and Species Regulations 2017 apply (the Regulations). This requires that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA.
19. The birds identified above nest on or near the ground and as a consequence, they are susceptible to predation of adults, chicks and eggs, and to disturbance from informal recreational use, including walking and dog walking. The proposal would increase the local population in the area and therefore taking a precautionary approach, and when combined with other development within the area, I am satisfied that the proposal would result in an increase in such recreational activity which would lead to a likely significant adverse effect on the integrity of the SPA.

20. Due to this effect, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. In this respect, and as identified above, the appeal has been accompanied by a legal agreement which would require the appellant to make a financial contribution per dwelling to mitigate the impact of the development. This approach is in full accordance with the Thames Basin Heaths Special Protection Area, Interim SPA Avoidance Strategy (September 2006) and I note that within the evidence, the approach has also been endorsed by Natural England.
21. Based on the evidence before me, I am satisfied that the obligations within the legal agreement would enable the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. In this respect, the agreement is entirely compliant with Regulation 122 of the CIL Regulations 2010. Accordingly, subject to the necessary mitigation, I conclude that the proposal would not result in a significant harmful effect on the integrity of the SPA.

Other Matters

22. I note the comments in relation to the effect of the proposal on infrastructure, however, based on the evidence before me, I am satisfied that the terms set out within the legal agreement would adequately resolve these matters. I am also satisfied that through the use of suitably worded conditions, as well as through the provisions within the legal agreement, that matters regarding noise disturbance and highway safety will be suitably mitigated. Conditions are also set out below to safeguard biodiversity as well as to ensure the development is served by an adequate and safe drainage scheme.
23. It may well be the case that existing housing within the locality is empty, however, no specific evidence in relation to this point has been presented. Regardless of this matter, the site has been allocated for housing within the development plan and I have assessed the appeal on this basis.
24. Finally, I note concerns regarding air pollution, but through the use of planning conditions, I am satisfied that the development would promote sustainable means of both construction and living.

Conditions

25. In light of my findings set out above, conditions 1 and 2 are necessary in the interests of precision and clarity. Condition 3 is necessary to ensure a high quality design, although I have amended the suggested trigger to require the details prior to their installation rather than prior to the commencement of development.
26. Conditions 4 and 5 are necessary to ensure the appropriate use of sustainable construction methods, and conditions 6 and 7 are necessary to ensure high quality design and layout, as well as to ensure suitable refuse provision. Conditions 8, 9, 10, and 11 are necessary in the interests of highway safety, and condition 12 is necessary in the interests of sustainable development. I note the reservations of the appellant in relation to condition 11 and the content of the legal agreement. However, the legal agreement refers to the implementation of 2 bus shelters whereas the condition refers to relocation as well as the provision of accessible kerbing. Accordingly, it is not clear from the

evidence whether there is duplication and therefore I have attached the condition as suggested by the Council.

27. Conditions 13 and 14 are necessary to ensure a suitable landscaping scheme is implemented, and condition 15 is necessary in the interests of tree protection. Conditions 16 and 17 are necessary to ensure the provision of suitable drainage, and conditions 18, 19, 20, 21, and 22 are necessary to protect the landscape, ecological, biodiverse, and archaeological interest of the site.
28. Where conditions require work to be carried out prior to the commencement of development, the appellant has confirmed their acceptance within the evidence before me.

Conclusion

29. The appeal should be allowed, and planning permission be granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P18/28/S/300, 302, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, and 328 and additional information received 27 January 2020 and amended site layout plan, drawing no. P18/28/S/301 rev B received 7 April 2020.
- 3) Prior to their installation, details and samples of the proposed external facing and roofing materials and hard surfacing 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.
- 4) Prior to the first occupation 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 shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 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.
- 6) The development hereby permitted shall not be occupied until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.
- 7) The development hereby permitted shall not be occupied until details of storage facilities for bins and recycling have been submitted to and approved in writing by the LPA and the facilities shown on the agreed details have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.
- 8) The development hereby approved shall not be first occupied unless and until space (including garaging) has been laid out within the site in accordance with the approved plans, Drawing No. P18/28/S/301, 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.

- 9) No part of the development shall be first occupied unless and until the proposed vehicular accesses to Burnt Common Lane have been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. P18/28/S/301, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 10) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Burntcommon Lane or Portsmouth Road 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.
- 11) The development hereby approved shall not be first occupied unless and until the bus stops on Portsmouth Road have been improved, to include relocation of the south-westbound bus stop and provision of accessible kerbing, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter shall be maintained.
- 12) The development hereby approved shall not be occupied unless and until the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7kw 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.
- 13) 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.

- 14) 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.
- 15) The development shall be carried out in accordance with the Arboricultural Method Statement from ACD Environmental (dated 17 May 2019) and Tree Protection Plan (dwg. no. LANG22486-03D) received 27 January 2020. No 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.
- 16) 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.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.3 l/s.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) Details of the receiving watercourse including whether there is sufficient capacity, what condition it is in and if there are any flow restrictions downstream.
 - e) 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.

- f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - g) 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.
- 17) 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).
- 18) Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) for this site shall be submitted to and approved in writing by the LPA. This should include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management advised by the recommended mitigation/compensation actions for habitat and species as detailed in section 6 of the EIA;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
- 19) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";

- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 20) Prior to the installation of any external lighting on the site, an External Lighting Plan for the site shall be submitted to the LPA for approval and the lighting shall be installed in accordance with the agreed details. Lighting for the proposed development should be designed in line with the Bat Conservation Trust guidelines on artificial lighting and wildlife (Bat Conservation Trust 2018). The lighting design should be reviewed by a suitably experienced ecologist and the impact of this on the bat population assessed.
- 21) No development shall take place until a scheme to enhance the biodiversity and nature conservation interest of the site, in line with the recommendations set out in the consultation response from Surrey Wildlife Trust dated 12 February 2020, 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.
- 22) 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.



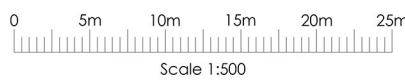
PORTSMOUTH ROAD (B 2215)

BURNT COMMON LANE

BURNT COMMON CLOSE

ADJACENT STRATEGIC HOUSING DEVELOPMENT
(subject to planning)

Ordnance Survey
Licence No. OI1320732



B	03/04/20	Added pedestrian links
A	27/02/20	Location of bin collection points added
Rev	Date	Details

PLANNING

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	Project:	OLDLANDS, BURNT COMMON LANE, RIPLEY	
	Drawing:	SITE LAYOUT	
	Scale:	1:500 @ A2	Date: 22/01/20

Drawing Number:	Revision:
P18/28/S/301	B

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