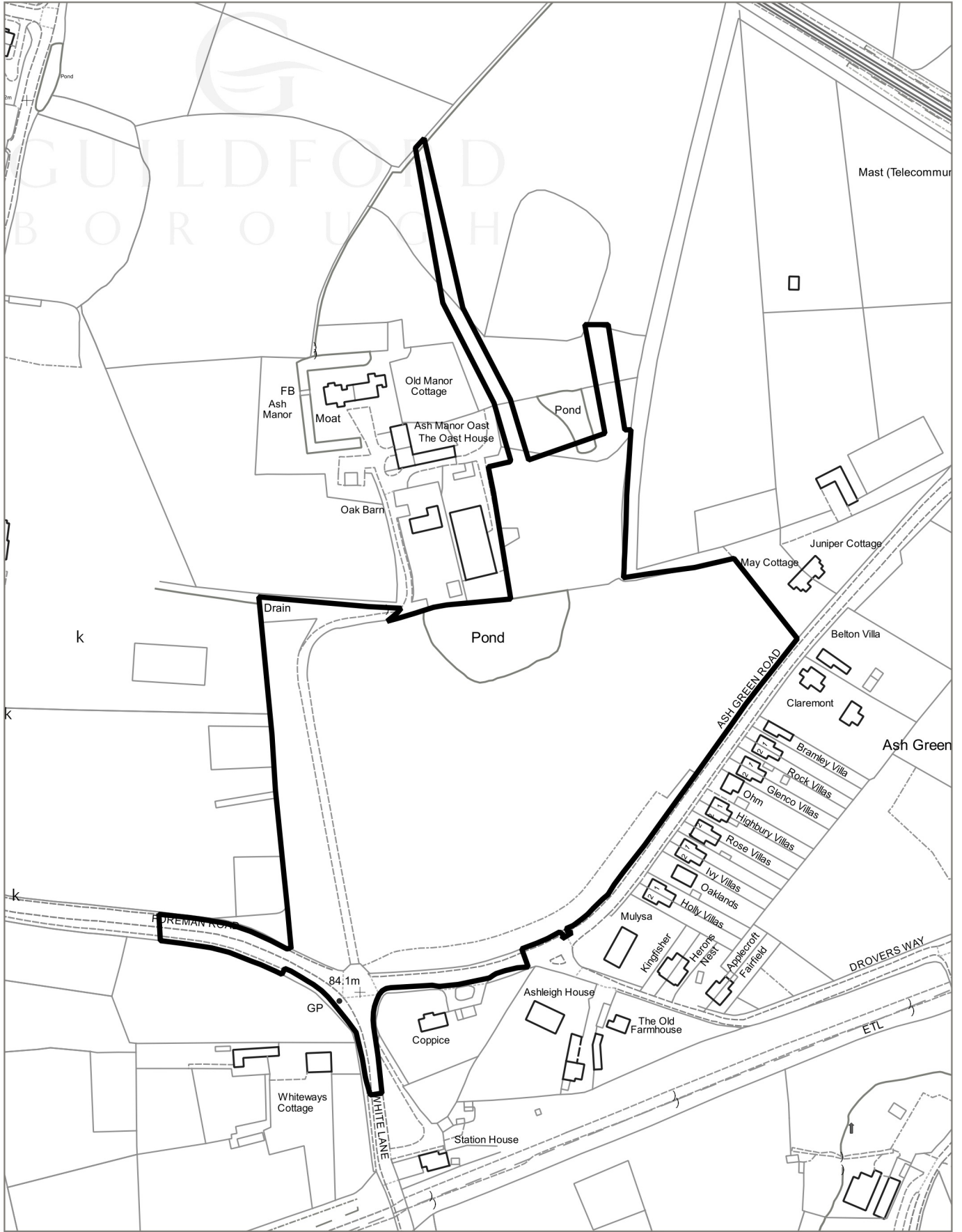


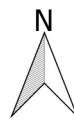
18/P/02456 - Land At Ash Manor, Ash Green Road, Ash Green, Guildford



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Print Date: 05/05/2021



Not to Scale



GUILDFORD
BOROUGH

18/P/02456 – Land at Ash Manor, Ash Green Road, Ash Green, Guildford



Not to scale

App No: 18/P/02456
Appn Type: Full Application
Case Officer: John Busher

8 Wk Deadline: 28/05/2021

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

Ward: Ash South & Tongham
Applicant: Mr Morris
Bewley Homes Ltd
c/o Agent

Location: Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH
Proposal: Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.

Update Following Deferral at Planning Committee on 20 May 2021

Members will be aware that this application was on the agenda for the Planning Committee meeting scheduled to take place on 20 May 2021. On the morning and early afternoon of 20 May, Ash Green Residents Association (AGRA) submitted three documents which provided new representations on matters relating to heritage harm, ecology and drainage. Officers were not in a position to review or form an opinion on the documents in the limited time available, and as such, it was decided that the application should be deferred to a later date, once the information could be assessed.

It is further noted that AGRA submitted two additional documents directly to Planning Committee Members earlier that week. These were a presentation entitled 'The Residents' View' and a letter concerning the Oak tree (T67) (by Thomson Environmental Consultants (TEC)). It is understood that these documents were first circulated to Members on 17 May 2021, notwithstanding that the TEC letter is dated 05 February 2021. It is noted that these documents were only submitted to the Local Planning Authority on 19 May 2021.

These five documents in total will be briefly summarised below and where necessary the main body of the report has also been amended to take account of the additional representations and the Local Planning Authority's response.

The report has also been updated to include additional information on the possible heritage harm as well as to correct typographical errors in the report, Heads of Terms and proposed conditions etc. As such, the report below should be read in whole and afresh by Members.

AGRA document – drainage objections

The document itself summarises the AGRA objections regarding drainage. These are, in summary:

- the application relied on the informal opinion of the Environment Agency;
- the applicant claims regarding trial pits and water ingress are not borne out in the application documents;

- these same documents were provided to the court as the defence of the judicial review, however this was only to confirm the credentials of the authors;
- the flawed approach to drainage places the listed heritage assets at risk of flooding with no mitigation even suggested; and
- the conditions related to the pond do not address the ground water issues.

As the relevant professionals for the consideration of the drainage scheme, the AGRA document relating to drainage objections was forwarded to the Lead Local Flood Authority (LLFA). The LLFA remain of the view that the on-site drainage proposal is acceptable, subject to the two conditions and informative recommended. Therefore, Officers recommendation on this element of the proposal remains as previously reported.

AGRA document - ecology objections

The document outlines AGRA objections regarding ecology. These are in summary:

- there is only one commissioned professional tree survey – the AGRA one [Officer Note: Both the applicant and the Council’s Tree Officer have also visited and surveyed the tree in question].
- the Ash Green Oak tree is definitely a Veteran tree, of great value, and protected by the NPPF and the local plan, and other legislation [Officer Note: Officers disagree with this contention as will be set out in the report].
- the Ash Green Oak is not dead as claimed [Officer Note: This has now been corrected in the report. The tree is in terminal decline, but is showing some epicormic growth in the crown] .
- the Ash Green Oak has been identified as having the potential for rooting bats
- the Ash Green Oak is not a health and safety risk as claimed.
- the bat survey ignores the presence of endangered, extremely rare, Barbastelle bats.
- the bat survey does not cover the site area.
- the bat mitigation is contrary to government guidelines.
- the Great Crested Newt survey complete fails to assess the one pond known to have Great Crested Newts.
- the updated report is based largely on photographic evidence alone.

AGRA’s document includes a letter concerning the Oak tree (T67) by Thomson Environmental Consultants. Except for one point concerning a reference to the Oak tree being dead (which is addressed below), the representations made by AGRA do not alter the views as expressed in the Officer’s Report. A response from the Council’s Tree Officer is provided below. However, Members should be aware that the letter does not address the definition of veteran trees as set out in the NPPF, which is as follows:

“Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.”

As is explained in the main body of the Officer’s Report, on the basis of this definition, it is considered that the relative stem size of a tree as compared to trees of the same species is a relevant consideration when considering whether a tree is veteran or not. As can be seen from his original comments and those below, the Council’s Tree Officer has taken this factor into account in coming to his conclusion that the tree should not be classified as ‘veteran’.

For the avoidance of doubt, this conclusion is reached having reviewed the information available, as well as having carried out numerous site visits over a number of years, which has included taking independent measurements of the tree in question.

It should also be noted that AGRA's covering letter to the TEC letter states that "this report is the only one of its kind as no other qualified professionals have investigated the tree specifically to assess its ecological value." However, the TEC letter does not specifically assess its ecological value. Instead it says "potential for high ecological amenity value, the assessment and characterisation of which should be carried out by a qualified ecologist". In any event, the Officer Report accepts that the tree has potential ecological value.

The TEC letter has been reviewed by the Council's Tree Officer who notes the following:

I have visited the application on a number of times over the last three years and been able to view the Oak tree (T67) throughout the seasons.

Whilst the Woodland Trust's Ancient Tree Inventory is useful record of historic, old trees recorded by members of the public and tree enthusiasts, recordings should be seen as a guild rather than the definitive categorisation of a tree.

It is not in dispute that the tree exhibits characteristics of 'veteran' trees and has ecological value (decay hollows, bark loss, fungal growths etc).

Many trees exhibit these and more characteristics, but it is important not to classify every tree with veteran tree characteristics as a veteran or we can do a disservice to those that truly are.

As I have previously mentioned, the most up to date (2013) guidance is that found in the publication, Ancient and other veteran trees: further guidance on management edited by David Lonsdale and published by The Tree Council in conjunction with The Ancient Tree Forum.

Within this document is a particularly useful chart. (Fig 1.3 Chart of girth in relation to age and development classification of trees). It is considered that many trees may have characteristics of a veteran tree at any age, but proposes at a species level, size thresholds for when a tree may be considered notable, veteran ancient etc.

The Thompson Report records a girth of 4.18 metres. Such a girth is unremarkable for an Oak tree and using the chart above would classify the Oak as locally notable as opposed to a veteran tree.

I agree with the Thompson Report that there is extensive decay throughout the tree. There is acute dieback of the crown and the only live growth is the epicormic growth in the lower crown structure.

Although no invasive internal decay techniques have been actioned by any party, both visually and by tapping the base of the stem and buttress roots with a plastic hammer, indicated significant decay and likely structural weakness.

The BS5837;2012 classification recorded by the Arboricultural Consultant for Ian Keen Limited recorded the tree as Category C 3. (Tree of low quality with estimated remaining life expectancy of at least 10 years and with no material conservation or cultural value).

The Thompson Report suggests it should be classified as an A category (Trees of high quality with an estimated remaining life on at least 40 years.) I would assume they categorise it as subcategory A3 (Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).

The categorisation is open to interpretation depended if the tree is viewed as a veteran tree or not. For the avoidance of doubt, I do not categorise it as a veteran tree, and therefore agree with the Keen categorisation as category C 3.

Structurally the tree is very poor and further dieback of the epicormic growth is likely. An estimated remaining life expectancy of at least 40 years is somewhat ambitious.

As such, Officers remain of the view that T67 is not a veteran tree in NPPF terms and therefore there is no requirement for exceptional reasons to be demonstrated or for a suitable compensation strategy to exist. Members are also reminded that although T67 may not be dead, it is only exhibiting epicormic growth, with a large proportion of deadwood in the crown of the tree. The overall health and life expectancy of the tree is still a material consideration and is something that Members will need to consider in the balance.

As regards other ecology matters the AGRA objection raises further concerns about Great Crested Newts and bats. The objection is not accompanied by any evidence from a professional ecologist, and it is noted that a document from the Bat Conservation Trust (appendix 2) which is labelled by AGRA as 'The Bat Conservation Trust report into Barbastelle bats recorded at the site' is a very general document, setting out where populations of Barbastelle bats may be present across the country, but with no specific reference to Ash Manor or any other site.

Notwithstanding this, the ecology objection submitted to AGRA has been reviewed by the Council's consultant Surrey Wildlife Trust (SWT) and further comments have been received. SWT note that further surveys of ponds 1-3 were negative, indicating that GCN are likely absent. They also note that the objection letter from AGRA sets out that pond 5 (or pond 4 as also referenced) contains GCN and a Construction Environmental Management Plan (CEMP) will be produced that would require further survey work. If GCN are present within this pond then suitable mitigation/compensation/enhancements will be required to ensure that there are no adverse impacts caused by the proposals to this species. This information could be provided within a CEMP. SWT also note that reference is made in AGRA's letter to an inaccessible pond. If the pond cannot be accessed and therefore cannot be surveyed by a suitably qualified professional, they advise that presence of this species is assumed and therefore a 'worst case scenario' is planned for. In this instance, prior to determination of the application, they recommend the applicant provide details of a draft method statement, setting out appropriate and suitable mitigation and compensation, which would be necessary to accompany a protected species licence application from Natural England should it be required. This can all be controlled through the conditions. It is also noted that should any GCN be discovered during construction, which are likely to be affected by the development, works will cease immediately. The applicant will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

As regards bats SWT note that AGRA have submitted further objections where they set out that Barbastelle are known to be present on site. SWT note that it is not made clear whether this species are present roosting within the tree (T67) to be felled. SWT note that the tree should be surveyed by a suitably qualified professional at an appropriate time of year to establish presence/likely absence of roosting Bats.

SWT note that Barbastelle are a particularly rare species of bat and should they be identified as present within the tree, a protected species licence from Natural England would be required. Depending on the type of roost identified (if Barbastelle), mitigation would require wither more or less like-for like replacement or like-for-like replacement as a minimum, as well as monitoring for two years plus. This would be covered through the protected species license.

The applicant has also assessed the AGRA objection and has submitted a further Ecology Technical Note. In relation to GCN the following should be noted (taken from the Technical Note):

During the course of the ecological survey work undertaken at the site, one pond was identified within the site, whilst a further four ponds were identified within 250m of the site boundary. Accordingly, Phase 2 survey work was undertaken during May 2016 to establish presence/absence of GCN within these ponds. In order to establish presence/absence of GCN, environmental DNA (eDNA) analysis was conducted on the pond within the site (P1) and three of the offsite ponds1 (P2, P3 and P6) in May 2016, in accordance with the technical advice note provided by the Freshwater Habitats Trust (FHT) and approved by Natural England. No access was permitted to offsite pond P5 at the time of these surveys, although it is understood from publicly available records (Natural England licence return data) that it has since recorded as having GCN present, and surveys carried out in relation to a nearby development at 'Land north of Grange Road, Ash' (reference 17/P/02158), that this pond was recorded in 2017 to have a 'small population' of GCN, as reported in the accompanying Ecological Impact Assessment submitted with the application. All eDNA survey results analysed from this survey were returned negative. Great Crested Newt surveys were also undertaken in the area surrounding the site for a separate scheme in 2018 (Ash road bridge scheme). This work included ponds P1, P2 and P3, and all samples from all ponds again produced a negative eDNA test result. Further site inspections and examination of photographic evidence of these ponds were carried out in 2021 to confirm that the ponds had not changed in respect to their likely suitability.

The AGRA consultation response makes reference to the fact that the original survey data 'is outside the allowable timeframe', being older than the 2-4 seasons which government guidelines recommend. Notwithstanding the fact that such guidelines are only a guide (to be informed by ecological expertise), we are in position to provide recent eDNA survey data for three ponds (P1, P2 and P3), which have been undertaken in relation to a nearby application during April 2021, and which have confirmed that the ponds have again recently tested negative for Great Crested Newt. On this basis, the current proposals will not have any direct effect on ponds used by GCN for breeding or resting, which includes the proposed reconfiguration of pond P1. In considering the risk of impacts to GCN using terrestrial habitat within the site, an assessment has been previously provided (Aspect Ecology Ecological Statement 2021), using the Natural England GCN Mitigation Licence Method Statement Rapid Risk Assessment Tool. This concludes that an offence is 'Highly Unlikely' to result from the proposed works, with respect to GCN using terrestrial habitat which might originate from off-site ponds P4, P5 and P6. This allows for the fact that GCN are recorded as present in P5 in 2017.

The AGRA consultation response makes reference to two further ponds within the vicinity:

- a. a pond in the field immediately west of the current application, which it is stated by AGRA has been to re-locate GCN during the nearby construction of the Grange Road application (reference 17/P/02158).*
- b. a garden pond at Oak Barn (another property with the Ash Manor complex).*

With regards to a) above, the pond has been labelled P7 and is confirmed to exist. This pond does not appear on any current OS base-maps or the most recently updated aerial photography (Google Earth April 2020) having only been created in late 2020, and so did not form part of the original GCN assessment in 2017, or the subsequent updates which have been submitted with the current application. However, The Grange Road developer (Thakeham Homes) have confirmed that 'no formal translocation was undertaken at our site and therefore this area was not utilised as a formal receptor area for GCN. The works simply comprised improvement of the existing habitat, and were implemented at the tail end of 2020.' No GCN appear to have been moved to the pond, and in addition, being very recently dug, it is considered that the pond is currently unlikely to support a breeding population of GCN, lacking egg laying substrate in the form of suitable marginal vegetation. Nevertheless, given that pond P7 could now (or in the future) support Great Crested Newt, such that there is an increased risk of encountering this species within the site, it is recognised that the work may now need to be carried out under a European Protected Species development licence (EPSL), and with this in mind a Precautionary GCN Method Statement has been produced. This method statement provides the necessary information to satisfy the Council in regard to the current application that Great Crested Newt, if present, could be fully safeguarded under the proposals, and the three 'licensing tests' could be met. As such, it details appropriate construction safeguards and proposals for a receptor area located within retained habitat in the north of the site. The arrangements set out are considered necessary to ensure that the 'favourable conservation status' of the GCN population are safeguarded in line with the requirements for the Habitats and Conservation Regulations 2017 (as amended)' which is the key consideration at the planning stage. With regards to b) above, the occupants of Oak Barn were contacted in May 2021, and have confirmed that this pond no longer exists. It is therefore not considered to be a constraint to the proposals.

In summary on the GCN matter the applicant notes that:

- all ponds located within the site, or within 250m of the site (with the exception of P7), have now been confirmed as either negative for GCN based on up-to-date survey information, or have been ruled out on the basis of a risk assessment according to current guidelines.
- if required, an EPSL will be obtained for the works, with respect to the potential for GCN being present in pond P7, which has only recently come to light.
- AGRA's assertion that 'Great Crested Newts are known to exist less than 60 meters from the site' is not correct.

As regards bats the Technical Note states the following:

*Bat activity surveys were carried out in 2017 for the land contained within the current application, together with the land to the north, which was subject to a related planning application. These results are reported in full in the previous Bat Survey Report Technical Briefing Note (October 2017), provided as an Appendix to the Ecological Statement (Updated) provided in March 2021. In their consultation response, AGRA highlight that Barbastelle bat *Barbastella barbastellus* was recorded during the automated detector surveys which formed part of the survey, and further correctly identify that the species is rare within the UK. In fact, a very small number of Barbastelle registrations (four in total) were recorded from one of the static detectors in the northern part of the survey area, which is outside the current application area, and concludes that these registrations are likely to be attributed to one individual. Although no static detectors were placed within the current application site itself, it was fully covered by walked transect surveys which recorded no observations of Barbastelle, whilst the habitats within which the static detectors were placed are considered to be representative of the habitats within the site itself.*

*Although the bat species is rare, the presence of occasional Barbastelle bats in flight in Southern England is not unusual and is likely to correspond to long distance commuting behaviour. Radiotracking studies in southern England have shown Barbastelle females are known to have a mean core range of 8km and can fly to reach other woodlands or core foraging areas up to 20km away (Greenaway, 20012; Zeale 20113). It is also likely that the species is significantly under-recorded which is noted in Natural England's Joint Publication JP025: A Review of the Population and Conservation Status of British Mammals, which comments that 'with the widespread use of static acoustic detectors, it has become apparent that the species is widely distributed – although never common – across the rural landscape of southern Britain and parts of Wales'. The presence of Barbastelle in low numbers should therefore be seen in the appropriate context, and in terms of any impacts which might be caused to the species, these are likely to be confined to small interruptions in vegetated corridors which form flight pathways for all species of bats. With the suitable management of lighting (which can be secured through a suitably worded condition), it is considered likely that lighting disturbance effects to bats can be reduced to acceptable levels. As set out in the EU Commission's 2007 EPS Guidance, these losses of vegetation would not constitute the 'damage or destruction of a breeding or resting place' under the Habitats and Conservation Regulations 2017 (as amended), which these habitats being defined as sites or places 'crucial for the lifecycle of animals' and/or 'very important parts of a species entire habitat'. Whilst we are fully aware of the European and UK legislation which applies to bats, the only confirmed roost within the site is located at tree T26, which is identified as being retained, but needing possible arboricultural management works in the future. This is a Common Pipistrelle *Pipstrellus pipstrellus* roost, and if necessary, can be subject to further survey at the time of management works taking place, with the necessary tree works covered by a European Protected Species Licence (EPSL) as necessary, with the worst case scenario being that a low conservation status roost is lost. The use of bat boxes to replace roosts of common species is consistent with current guidance, with Natural England's Bat Mitigation Guidelines (2004) clearly identifying that where roosts of low conservation significance (small roosts of common species) are to be lost to development there is flexibility over provision of mitigation and this does not need to be exactly like-for-like. Irrespective of any future loss of bat roost in the future (due to management works), a number of bat boxes are included within the enhancement proposals for the site, as set out in the CEMP for the site.*

The large oak tree in the centre of the site (T67, and also referred to by AGRA as the Ash Green Oak) has been assessed in the previous reports, as having a 'low' level of bat roost potential, with an absence of moderate and high suitability PRFs. In such situations, the Bat Conservation Trust Guidelines do not recommend any additional surveys to be carried out. Nevertheless, precautionary methods have been set out in the CEMP produced for the site, in order to safeguard any bats which might be found roosting within the tree.

In summary on the GCN matter the applicant notes that:

- the presence of small numbers of foraging/commuting Barbastelle bats recorded during the survey work is not significant in its own right, and can be dealt with through a suitably designed lighting strategy (subject to condition).
- no bat roosts are affected by the proposed works, although the low level of potential for roosting bats in tree T67 is appropriately covered under the existing CEMP.

Following the above, Officers believe that the issue of bats and GCN has been adequately addressed.

AGRA document – heritage objections

The document itself summarises the AGRA objections regarding heritage. These are set out below with an Officer response as required:

- the Ash Manor complex is Grade II* listed, protected by the NPPF and legislation, which was not given the weight it required by law in the previous application [Officer Note: As set out in the main body of the report, this matter has been addressed in the heritage assessment below];
- Ash Manor is the only site of this significance still in the original setting in the entire Guildford Borough
- the officer report addresses the setting of Ash Manor but fails to discuss the importance of the setting of the other two Grade II listed buildings, for which the impact will be greater [Officer Note: This is incorrect, the report assesses the impact on the complex as a whole, including the Grade II* and Grade II listed buildings. The heritage section has been amended slightly so that there is no confusion];
- the officers have failed to disclose to the council that their own commissioned independent assessment for the site recommended refusal [Officer Note: For clarity, the assessment referred to is a draft Proof of Evidence prepared by a consultant engaged by the Council to support its refusal of an earlier planning application on the site. Firstly, it is noted that this assessment was not published as the appeal was withdrawn by the applicant before proofs were exchanged by the sides, and therefore was never published on behalf of the Council. Secondly, the scheme is materially different to the one now before the Planning Committee. It was for 95 units, with apartments on what is now proposed to be an area of open space and included the removal of the track access to Ash Manor and a new roundabout at the junction of Foreman Road, White Lane and Ash Green Road. Thirdly, the planning context was very different, as the site was not allocated as the Local Plan had yet to be adopted. As such, the assessment referred to by AGRA is not considered to be relevant to this proposal];
- the officers have failed to disclose in the officer report that of the three previous applications, prior to the quashed application, they recommended refusal. This is a material consideration [Officer Note: AGRA's contention is incorrect. Of the three applications referred to by AGRA, two are individually noted in the 'Relevant Application History' section. The outcomes of both applications are also clearly set out; one was refused planning permission and the other was appealed by the applicant for non-determination (appeal was later withdrawn). The third application referred to by AGRA does not relate to the application site but a piece of land to the north of Ash Manor, which is why it has not been referred to in the report. Furthermore, as noted above the planning context for the earlier applications was very different.];
- Historic England, as the statutory consultee on heritage matters, have consistently highlighted the harm through all five previous applications [Officer Note: Comments from Historic England are included within the report. Both the Local Planning Authority and Historic England have concluded that the proposal would result in harm to the Ash Manor complex];
- Historic England have reviewed the conditions associated with this application and raised an objection, as is their role as statutory consultee. This remains unpublished on this application despite AGRA detailing this omission to the Council [Officer Note: To be clear Historic England provided comments on the duplicate planning application but did not object to either the application or any of the conditions.

- The Historic England comments on the duplicate planning application are available to view on the file and are also summarised as part of the report for the duplicate planning application which is reported elsewhere on the agenda]; and
- the conclusion of the Conservation Officer on the level of harm to the assets, presented in the officer report, is unreasonable and illogical [Officer Note: The assessment of the heritage harm is clear and robust. It is also in line with the conclusions reached by Historic England that the harm to the complex as a whole would be less than substantial].

AGRA document – ‘Residents’ view’

Officers have now had the opportunity to consider the submitted presentation. Except for one point concerning a reference to the Oak tree being dead (which is addressed below), the representations made by AGRA in this document do not alter the conclusions reached by Officers, as set out in the report below.

Members should be aware, and note, that in various places the AGRA presentation quotes from previous officer reports and consultation responses on earlier applications where the proposal and policy context differed. Members should ensure that they focus on the application which is before them, and determine the current application on its merits.

AGRA document – Thompson Ecological Consultants (TEC)

It is noted that this letter is also included in the ecology objection also submitted by AGRA. The letter and the Council’s response to it has already been provided above.

Executive Summary

Reason for referral

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

Key information

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road, White Lane and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area contains a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. Adjoining the site to the north is a small complex of buildings which is known as Ash Manor which contains a number of dwellings and farm structures. The largest building within the complex is Grade II* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing).

To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

The proposal is for the construction of a total of 73 dwellings on the site, of which 29 would be affordable. A large area of open space is being created for future residents of the scheme.

Summary of considerations and constraints

This is an allocated site which is now designated as being part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The Local Planning Authority has also considered the cumulative harm resulting from this and other recently approved developments in the local area. Taking the cumulative harm into account, the overall level of harm has been identified as being at the lower to middle end of less than substantial.

The proposal would not result in any material harm to the character of the area. A landscaped buffer is to be retained and supplemented along Ash Green Road and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. The application would provide a net gain of 73 residential units, which would be in accordance with housing delivery commitments in the adopted Local Plan 2019. This includes the provision of 29 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The mix of proposed market housing has also been improved during the course of the application.

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

Members will be aware that the Planning Committee have previously resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The Hearing took place on 17 and 18 November 2020 and Mrs Justice Lang handed down her Judgement on 08 December 2020.

The Council was successful in defending Grounds 2 and 3. However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled.

As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang. The new report also takes into account other material considerations which have arisen since the original determination, including views expressed by consultees and members of the public which were received as part of the full re-consultation which was carried out in March/April 2021 and the additional information submitted by the applicant with regard to air quality, flooding and landscaping. The report should be read afresh and as a whole and it is this report which Members should base their decision on.

RECOMMENDATION:

(i) That a s.106 agreement be entered into to secure:

- the delivery of 29 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);
- provision of SAMM contributions;
- provision of SANG land to mitigate the impact of the development on the TBHSPA;
- contribution towards Police infrastructure;
- contribution towards early years, primary and secondary education projects;
- contribution towards health care infrastructure;
- contribution towards children's playspace infrastructure in the area;
- contribution towards amendment of TRO on Foreman Road;
- contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;
- contribution towards Ash road bridge;
- provision that the applicant gives free and unfettered access to the spine road;
- contribution towards footbridge and
- contribution towards provision of public art in the area.

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

GAR.01.pe B
GAR.02.pe A
GAR.03.pe A
GAR.04.pe B
P1-2.e A
P1-2.p A
P23-25.e A
P23-25.p A
P19-20.e A
P19-20.p A
SS.01.pe A
ITB13403-SK-006 D
ITB13403-SK-016 A
ITB13403-SK-019
SL.01 E
AHL.01 B
RP.01 C
LP.01 A
HT.AVle. B
HT.AVI.p B
HT.CHI.e C
HT.CHI.p C
HT.CRA.e B
HT.CRA.p B
HT.EVE-SEM.e B
HT.EVE-SEM.p B
HT.GOD.e D
HT.GOD.p D
HT.LON.e C
HT.LON.p C
HT.MAL.e D
HT.MAL.p D
HT.MAR.e B
HT.MAR.p B
HT.RIP.e C
HT.RIP.p C
HT.SHA.e B
HT.SHA.p B

HT.WIT.e B
HT.WIT.p B
FB-A.pe E
FB-B.e D
FB-B.p C
P15-16_45-46.e B
P15-16_45-46.p B
P21-22_35-36_57-58.e C
P21-22_35-36_57-58.p C
P32-33.e B
P32-33.p B
P37-38.e B
P37-38.p B

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

3. No development shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

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

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

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

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

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

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

6. Before the occupation of the 73rd dwelling of the development a certificate demonstrating that Secured by Design (physical security) has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

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

7. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas) for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) details of hedge and tree provision along Ash Green Road (including details of new hedge and tree planting which will take place if the existing hedge has been removed, and additional planting which will take place in any event);
- b) new hedge and tree planting to the north of plot 27;
- c) a timetable for the implementation of the landscaping scheme.

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 thereafter retained in perpetuity.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and Ash Green Road and to ensure that a buffer between Ash and Ash Green is maintained.

8. 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 ten years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

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

9. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance the agreed timetable. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of the locality and to ensure a high quality design.

10. No development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or as amended, (and including details of a site meeting process with the retained consulting arboriculturalist and the LPA Tree Officer), are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission

11. No development shall take place until a Written Scheme of Investigation, which shall include a programme of archaeological work, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

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

12. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed on the site in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy and improvements to the energy performance of each approved unit shall be achieved. Prior to the occupation of each unit, a summary showing the emissions rate, as set out in the final SAP assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To reduce carbon emissions and incorporate sustainable energy.

13. 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.

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local 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. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 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) 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.
- d) details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the scheme agreed through condition 14 (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

16. Prior to first occupation the following package of measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- i) a 2 metre footway shall be provided on the southern side of Foreman Road from the site access towards The Croft
- ii) high friction surfacing shall be implemented on Foreman Road on the approach to the site access and on the southbound of the carriageway up to the start of the proposed anti-skid for the northbound direction near the existing bus stop
- iii) the speed limit shall be reduced from 40mph to 30mph with associated speed reduction measures, subject to TRO approval.

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

17. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Foreman Road has been constructed and provided with visibility zones, and the build out on the spine road is implemented, all in accordance with approved drawing number ITB12403-SK-006D, and thereafter the visibility zones shown on the plan shall be kept permanently clear of any obstruction over 0.6 metres high.

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

18. The development hereby approved shall not be first occupied unless and until the proposed junction improvement, including the re-alignment of Ash Green Road and pedestrian connections, has been implemented in accordance with the approved drawing number ITB12403-SK-006D OR a similar junction improvement has been implemented in accordance with a plan which has been submitted to and approved in writing by the Local Planning Authority.

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

19. 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 drawing number SL.01,E, for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.

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

20. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, for Electrical Charging Points to be provided at each house (where practicable), 20% of parking spaces for flats (including maisonettes) and passive infrastructure be provided for a further 20% of car parking spaces for the flats. This shall all comprise a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). Once implemented these shall be retained and maintained for their designated purposes.

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

21. No development shall commence until a Construction Transport Management Plan (CTMP), 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) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved CTMP.

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

22. The development hereby approved shall not be first occupied unless and until the following information has been provided in accordance with the approved Travel Plan Statement, ITB13403-004A R:

- the information which is to be provided to residents regarding the availability of and whereabouts of local public transport / walking / cycling

The development shall only be carried out in accordance with the approved details and the agreed information shall be provided to the occupants of each of the dwellings upon first occupation.

Reason: To encourage travel by means other than private motor vehicles.

23. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until detailed plans showing the continuation of the internal spine road up to the north-eastern boundary of the site (between the sub-station and plot 45) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the agreed details and shall be provided up to the boundary of the site (as defined by the red line on drawing BEWL180405 SL01 E) prior to the occupation of the 20th dwelling on the site.

Reason: In order that the development delivers an acceptable road link to the area to the north-east which is also part of the site allocation A31.

24. Before the development hereby approved is first occupied, the measures set out on the Refuse Strategy Plan (drawing BEWL180405 RP.01 C) shall be implemented in full and made available for use. The scheme shall be retained in perpetuity.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

25. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Ecological Assessment (dated December 2018, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement vf4/LB/DM), the Technical Briefing Note (dated September 2019, prepared by Aspect Ecology Ltd); the Ecological Statement (Updated) (dated March 2021, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement dv3/FM/MRD) and the Technical Briefing Note (dated June 2021, prepared by Aspect Ecology Ltd)

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

26. No development or site clearance shall take place until further eDNA Great Crested Newt surveys and a Precautionary Working Method Statement carried out by a qualified ecologist have been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how development will proceed in a way that will avoid the killing, injuring or disturbance of any Great Crested Newts, reptiles or amphibians that may be identified during development. Any agreed impact avoidance, mitigation, compensation and / or enhancement measures (as may be relevant to the particular species), including proposed translocation measures shall be carried out in accordance with the approved details.

Reason: In order to protect the nature conservation and biodiversity value of the site. It is considered necessary for this to be a pre-commencement condition because these details need to be undertaken and agreed before construction activity takes place on the site, which may then impact on the ecology and in particular, Great Crested Newts.

27. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

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

- precautionary working methods for reptiles, including GCN;
- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;

- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

29. No development shall commence (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be made available for use on the first occupation of each building.

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

30. Before the development hereby approved is commenced, a plan showing the location of the seven Building Regulations 'accessible and adaptable dwellings M4(2) and the four Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

31. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of the boundary treatment along the western side of the northern open space area have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development.

Reason: To help screen the open space area from the neighbouring residents.

32. Before the felling of the Oak (T67 / TPO 4 of 1974), the applicant shall submit a scheme, which shall be approved in writing by the Local Planning Authority, detailing how it will be re-used on the site following its felling. The scheme shall include a method statement for the careful felling of the tree and its storage and details of how and where the tree will be re-used within the site. The agreed scheme shall be implemented before the occupation of the 50th dwelling.

Reason: To improve the ecological biodiversity of the site and to retain the tree within Ash Manor.

33. The development hereby approved shall not be occupied until written confirmation from the Local Planning Authority has been provided that either:- 1. all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. a development and infrastructure phasing plan has been submitted to and agreed in writing with the Local Planning Authority to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. The development shall only be carried out in accordance with the agreed details.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Informatives:

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

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

In this case pre-application advice was 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 and the proposal is now deemed to be acceptable.

3. Thames Water Informative:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

4. Lead Local Flood Authority Informatives:

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

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

5. County Highway Authority Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway.

The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road.

Please see

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/flooding-advice

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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.

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. For guidance and further information on charging modes and connector types please refer to:

www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html

6. Ecology Informative:

Should Great Crested Newts be identified as present within ponds P1, P2 or P3, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

Officer's Report

Introduction

Members will be aware that the Planning Committee resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The initial case against the Council consisted of four grounds which were:

- failure to apply section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and failure to take account of paragraphs 193 and 194 of the NPPF;
- failure to have regard to a relevant consideration: a 'veteran tree' on site and acting irrationally in departing from this advice without reasons;
- failure to have regard to a material consideration, namely the risk of flooding from groundwater at the site and/or acting irrationally by ignoring expert evidence on this matter and failing to instruct an independent expert to consider it; and
- breach of procedural legitimate expectation leading to procedural unfairness by failing to consult on amendments to the application.

Before the Judicial Review Hearing took place, Ground 4 was withdrawn by the Claimant.

The Hearing took place on 17 and 18 November 2020. The Council defended the lawfulness of the decision, as did the applicant. Mrs Justice Lang handed down her Judgement on 08 December 2020.

In giving her Judgment, Mrs Justice Lang held that the Council was entitled to:

- prefer the advice of the applicant and its own arboriculturalist over that of Surrey Wildlife Trusts in relation to whether T67 constituted a 'veteran tree'; and
- accept the view of the Local Lead Flood Authority that the applicant's technical evidence demonstrated that there was no increased risk of flooding and to conclude that the concerns raised by the local resident concerning groundwater were unjustified.

The Council was therefore successful in defending Grounds 2 and 3.

However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled. As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang.

The new report also takes into account other material considerations which have arisen since the original determination, including views expressed by consultees and members of the public which were received as part of the full re-consultation which was carried out in March/April 2021 and the additional information submitted by the applicant with regard to air quality, flooding and landscaping. The report should be read afresh and as a whole and it is this report which Members should base their decision on.

Site description

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area is currently predominantly semi-rural in character. However, there is a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. These properties are a mix of detached and semi-detached dwellings, in a mix of sizes and designs. Adjoining the site to the north is a small complex of buildings which is known as Manor Farm that contains a number of dwellings and farm structures. The largest building within the complex is Grade II* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides, which Historic England comment is a non-designated heritage asset. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

Proposal

Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and servicing.

The application site would be accessed via a 'T' junction from Foreman Road. This leads to a single spine road which would run through the site, with dwellings positioned on either side. The spine road would eventually link into other sites which are within the A31 allocation. Off the spine road there would be two shared-surface cul-de-sacs which would serve a number of dwellings. The proposal includes a number of alterations to the highway network in the vicinity of the site. This includes the re-alignment of Ash Green Road and a range of traffic calming measures to include a speed limit reduction to 30mph, gateway features etc. The existing access into Ash Manor would be retained as part of this proposal.

The proposal includes a range of house types including two storey detached, semi-detached and terraced dwellings. Two blocks of apartments are also proposed which would provide a total of 14 units. The apartment blocks would be mainly two storeys in height, with Block A having a small element of second floor space within the gable roof. A total of 158 on-site parking spaces are proposed which equates to approximately two spaces per dwelling. The applicant has agreed to provide a total of 29 affordable dwellings which will be spread across the site.

The northern portion of the application site includes the existing pond which would be enlarged and integrated into the proposal, forming an important part of the open space network. A large area of open space is proposed to the south and east of the pond, which would also act as a buffer to the listed buildings.

Prior to the original decision in December 2019, the scheme had been amended on a number of occasions following comments from Officers, Members and local residents. The scheme which is currently presented to Members is materially the same as that which was approved by the Planning Committee in December 2019. The only change from the proposal previously considered is that a new indicative planting plan has been submitted by the applicant which outlines in greater detail the planting that is proposed on the site. For the reasons explained below, these proposals are particularly relevant to the consideration of the impact on the character of the area. The precise details of the planting will be secured by condition.

In addition, it is noted that the applicant has submitted further information concerning the proposal, including with regards to the potential flooding issues and regarding the impacts on air quality.

| Proposed Mix | | | | | |
|------------------------|--------------|--------------|--------------|---------------|--------------|
| | 1-bed | 2-bed | 3-bed | 4+-bed | Total |
| Total dwellings | 11 | 22 | 26 | 14 | 73 |
| | | | | | |
| Of which... | | | | | |
| Houses | 0 | 19 | 26 | 14 | 59 |
| Apartments | 11 | 3 | 0 | 0 | 14 |
| Affordable | 11 | 10 | 7 | 1 | 29 |

Relevant planning history

| Reference: | Description: | Decision Summary: | Appeal: |
|-------------------|---|--|----------------------|
| 20/P/01461 | Erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing. | Reported elsewhere on this agenda. Non Determination Appeal submitted. | TBC |
| 17/P/00513 | Full detailed planning application for the erection of 95 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on-site open space, landscape and ecology management and, servicing. | Non Determination 09/10/2017 | Withdrawn 05/02/2018 |

| | | |
|------------|--|-----|
| 15/P/01031 | Residential development comprising a Refuse total of 44 dwellings (6no. four-bed, 16/10/2015 25no. three-bed and 13no. 2-bed) including 15no. affordable housing units, together with an associated recreational open space, approximately 4.2 hectares of Suitable Alternative Natural Green Space (SANGS) with visitor car park, Village Hall and the provision of a new roundabout access at the junction of Foreman Road and White Lane. | N/A |
|------------|--|-----|

Consultations

It is noted that since the quashing of the original permission, the Local Planning Authority has undertaken a full (21-day) re-consultation of residents, Parish Councils and resident's associations. The consultation invited these groups to provide their views on the new and additional information that has been received, as well as any other issues that they wished to raise. In addition, all consultees (statutory and non-statutory) have been invited to provide fresh comments on the proposal and to raise any matters which may have changed since their original comments on the proposal were made in 2019. The summary of the consultation responses below includes any new or amended comments.

In addition, comments from residents, Parish Councils and residents associations made on the duplicate planning application 20/P/01461, and which are material to the current application will also be included in the summary below.

Members are reminded that the consultation responses are available to view in full on the Council's website.

Statutory consultees

County Highway Authority, Surrey County Council: No objections raised. This is subject to conditions requiring the implementation of a package of highway improvement measures (including a two metre wide footway and high friction surfacing along Foreman Road and a reduction in the speed limit from 40mph to 30mph) as well as a contribution of £94,500 towards other highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. [Officer Note: The County Highway Authority have confirmed that their original comments are still relevant for this proposal. The only change is that the s.106 contributions have increased from £91,500 to £94,500].

Natural England: No objections raised, subject to the development complying with the adopted Thames Basin Heaths SPA SPD. [Officer Note: Natural England have confirmed that their original comments are still relevant for this proposal].

Lead Local Flood Authority (LLFA), Surrey County Council: No objections raised, subject to standard conditions. [Officer Note: Since the quashing of the permission, the LLFA have re-assessed the proposal taking into account further concerns raised by residents on the duplicate application (20/P/01461).

They remain of the view that the proposal is acceptable, however, they have recommended that an additional informative be added to the permission, should it be approved. The comments provided by the LLFA and the concerns raised by residents will be discussed in more detail below. The comments and responses can be read in full on the Council's website].

County Archaeologist, Surrey County Council: No objections raised subject to condition. It is noted that the site has a good potential for archaeological remains associated with the adjacent manorial complex as well as evidence of medieval and post medieval pottery production. 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 has noted that the 'parch marks' raised by local residents will be investigated as part of the next stage of the archaeological investigations. These further investigations will be secured by condition. [Officer Note: The County Archaeologist has confirmed that the original comments are still relevant for this proposal].

Historic England: Historic England (HE) have reviewed three iterations of the proposed development. In their final comments provided prior to the quashing of the permission and based on the final layout, HE explained that they 'consider that harm is caused to the grade II* Manor and its associated buildings through development in their setting, but we acknowledge that efforts have been made to limit that harm as advised in our previous correspondence'. HE confirmed that in their view the proposal results in less than substantial harm to the Ash Manor complex. As noted above, HE have been asked to provide further comments on the proposal, and it was specifically drawn to their attention that since the application was originally considered, the Council has approved schemes at May and Juniper Cottages and at Ash Railway Station which are also within the setting of the Ash Manor complex. HE have provided further comments where they note the following: 'in our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented developments nearby are taken into account. We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that it is likely to be less than substantial...We strongly recommend the value of keeping a clear buffer of undeveloped land around the north, west and east of the Ash Manor complex of listed buildings, to preserve its immediate rural setting.' The heritage harm resulting from the proposal, including the cumulative impacts will be considered in detail in the report.

It is also noted that Historic England have provided comments on the duplicate planning application. While these pre-date the comments referred to above, for completeness and in light of AGRA's representations, it is noted that HE stated the following *'we can see from the correspondence relating to the discharge of conditions on application 18/P/02456, that it is proposed that the pond will be used as the SuDS for the scheme and would remain dry for most of the year. It is also proposed that it would have a fence around it, which we presume is for safety reasons. However, we note from the surface water and foul drainage strategy submitted with this current application that it is now proposed for the pond to retain some water within it.*

As explained previously, the pond is an historic feature that along with the existing landscaping performs the useful function of providing a remnant of the original historic landscape context to the Manor Farm complex as well as buffering the listed buildings from the new housing. It is therefore important that the pond, fencing and landscaping around it are designed to retain a natural and rural appearance. If your Authority cannot ensure that this can be achieved, you should consider if there are any alternative ways of providing the SuDS. Your Authority should also be advised by your flooding specialists regarding whether there is likely to be increased risk of flooding to the listed building complex as a result of the SuDS proposals'. It is noted that the landscaping around the pond will be secured by condition and through this Officers will be able to control the planting, fencing and the appearance of the pond and its surroundings. As such, the concerns raised by Historic England will be addressed.

Internal consultees

Head of Environmental Health and Licensing: While no objections were raised originally to this proposal, the comments made by the Environmental Health Officer as part of the duplicate application have been taken into account. These note that due to the scale of the proposal, the development may trigger the need for an air quality assessment. The applicant has submitted additional air quality information to the Council and it has been placed on the file for both this application and the duplicate. Having assessed the information, the Council's Environmental Health Officer is content with the proposal and has noted that the provision of electric vehicle charging points should be secured by condition

Operational Services, Recycling and Waste: No objections raised. It has been confirmed that the layout will allow for the manoeuvring of refuse vehicles around the site. It is also noted that the presentation points for refuse are acceptable. [Officer Note: The Council's Operational Services team has not responded to the additional consultation which was carried out. However, as the layout has not changed in any material way the proposal will still be acceptable from a vehicle manoeuvring perspective and in terms of the refuse presentation points].

Non-statutory consultees

Surrey Police: Surrey Police have assessed this planning application and determined that a financial contribution for essential policing infrastructure would be required to make this development acceptable in planning terms. Surrey Police have requested a contribution of £14,979.44 as mitigation, which is being secured through the legal agreement. [Officer Note: Surrey Police have confirmed that their original comments are still relevant for this proposal].

Designing Out Crime Officer, Surrey Police: No objections raised. [Officer Note: The Designing Out Crime Officer has confirmed that the original comments are still relevant for this proposal].

North East Hants and Farnham Clinical Commissioning Group (CCG): The CCG note that there is no objection to the proposal subject to securing a s.106 contribution of £50,000 to mitigate the consequential impact on local healthcare provision and infrastructure. [Officer Note: The CCG has not responded to the re-consultation, however, as the number of units remains the same, the original contribution requested will be secured as part of the s.106 agreement].

Thames Water: No objections raised. [Officer Note: Thames Water have not responded to the re-consultation, so it is assumed that given no changes are made to the proposal, their original comments remain valid].

Surrey Wildlife Trust (SWT): The Trust recommend a range of measures be controlled by condition. These include the submission of a Precautionary Working Method Statement for Great Crested Newts, a lighting strategy for the development and compliance with the mitigation set out in the applicant's ecological assessment. It is however noted that the Trust raise concerns about the loss of what they consider to be a veteran tree on the site. This is Oak tree T67 which is located close to the southern boundary of the site. The Trust notes that the tree in question is of biodiversity value. This issue will be discussed in greater detail below. [Officer Note: Comments made by SWT on the duplicate planning application have also been taken into account. The applicant has submitted further ecology information regarding Great Crested Newts, which has addressed the concerns raised. SWT's concerns regarding the loss of the Oak tree and biodiversity gains still remain and will be discussed in greater detail below].

Hampshire County Council: No objections raised. [Officer Note: Hampshire County Council have not responded to the re-consultation].

Parish Councils

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

- overdevelopment of the plot;
- the access and layout is not sympathetic to the area [Officer Note: Both the access into the site and the layout of the development have been significantly altered. The main amendments have already been set out above];
- the proposal would detract from the historical integrity of the site;
- the proposed apartments would be out of character with the rural nature of the area;
- lack of infrastructure;
- impact on local wildlife and a loss of grazing land;
- density of the proposal is too high;
- near coalescence of Ash and Ash Green;
- loss of amenity to surrounding residences;
- archaeological survey should be undertaken before any work begins on site [Officer Note: Such a condition has been recommended by the County Archaeologist];
- possible flooding issues;
- cumulative impact of development in the area;
- bus service is inadequate and not sustainable;
- highway safety concerns;
- increased traffic in the area and impact on local roads and weak bridges;
- inadequate on-site parking provision; and
- possible rise in anti-social behaviour resulting from the high level of development in the area [Officer Note: There is no evidence to suggest that this would be the case]. [Officer Note: Ash Parish Council have not responded to the re-consultation].

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

- the combined cumulative effect of all the existing and proposed new development in and around the Tongham area and adjacent areas such as Aldershot, Ash and Farnham will overwhelm the current and planned local amenities;
- highway safety and capacity concerns, particularly relating to the A31 and A331 junction; and
- adverse impact on Ash Manor. [Officer Note: Tongham Parish Council have not responded to the re-consultation].

Amenity groups/Residents associations

Ash Green Residents Association: The Residents Association objects to the application. The following concerns are noted:

- the public benefits of the scheme do not outweigh the harm to the setting of the neighbouring listed buildings;
- proposals for the land to the west of Ash Green Road must prevent the coalescence of Ash, Tongham and Ash Green;
- a number of other applications have been refused on this site and in the immediate area in the past. The concerns raised with those applications are still relevant;
- concerns about the impact on ecology and trees;
- concerns regarding flooding, bearing in mind that the water table in this area is high;
- a number of applications for housing have already been approved in the surrounding area and the existing infrastructure is now at capacity;
- documents have been posted to the GBC website after the consultation notification [Officer Note: This is a historic comment relating to the pre-Judicial Review proposal];
- the existing scheme increases the risk of flooding in and around the listed buildings. The concerns of AGRA have not been responded to. It is noted that the LLFA are still in discussions with GBC regarding the drainage scheme. [Officer Note: The drainage concerns raised by residents have been forwarded to the LLFA and they have confirmed that the scheme proposed by the applicant remains acceptable. No further information is required];
- the proposal fails to deliver a usable public amenity;
- local residents will be enforcing the covenants which apply to the land [Officer Note: Covenants are a civil matter, outside of the scope of the planning process]; and
- the plans include the removal of a tree in the middle of the site which is described as a symbol of the village. The condition of the tree has improved over recent years [Officer Note: This will be discussed below]. [Officer Note: Ash Green Residents Association have did not formally respond to the re-consultation, but as noted above has since provided further comments in objection to the proposal].

Third party comments

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

- loss of trees and wildlife habitat;
- pollution and noise from additional vehicles;
- local infrastructure is already at capacity and is insufficient for the additional number of dwellings;
- a large number of houses have already been built in area;
- additional dwellings are not needed;
- brownfield sites should be utilised first;
- flooding concerns due to high water table;
- sewage infrastructure at capacity;
- adverse impact on Ash Manor (Grade II* and II listed building complex);
- views of the proposed development would be visible from Ash Manor and would harm its setting;
- the benefits of the development do not outweigh the harm caused to heritage assets;
- impact of this development must be considered along with other already approved and proposed in the area;

- no meaningful gap, buffer or green space between Ash and Ash Green resulting in coalescence;
- highway safety and capacity concerns including increased pressure on local narrow roads;
- possible damage to roads during construction;
- the design of the dwellings are not in keeping with the rural area;
- proposed density is too high;
- poor pedestrian links to Ash and the train station;
- loss of amenity to neighbouring residents;
- the pond which will be used as part of the SuDS solution is spring fed and additional water being routed into it will result in flooding;
- future creation of a rat run through the site;
- the plans reshape the pond meaning it would be closer to the listed buildings. Therefore, the changes do not overcome the issues with the setting of the listed buildings;
- the roads in the development should be adopted by the Council;
- the proposal along with others will result in an extension to the urban area of Ash;
- there are enough houses on the market already;
- further concerns have been raised with regard to the SuDS scheme being proposed and the accuracy of the applicant's technical documents [Officer Note: This issue has been specifically addressed by the Lead Local Flood Authority and they confirm that the SuDS and drainage scheme being proposed by the applicant is acceptable]; and
- high grip road surfacing should be used on both sides of the road;
- the site is not close to any shops or services;
- the proposed apartment buildings would be located closer to Ash Green Road which gives rise to greater amenity concerns;
- noise from parking areas;
- the removal of the existing hedge is vandalism and should not be allowed [Officer Note: As will be set out below, the removal of the existing hedge is not required by this current application, but by an application which has already been approved at the adjoining site (known as May and Juniper Cottage). Its removal is not yet a certainty and the Council along with Surrey County Council, the developers of the adjoining site and residents are working to ensure that an alternative is agreed which will save the majority of the hedge. If the hedge does have to be removed by the other developer, then the applicant's revised landscaping scheme for this boundary of the site will effectively create a new hedge along the northern side of Ash Green Road. This issue will be discussed in greater detail below];
- concerns regarding construction traffic and general traffic from this proposal and others which have been approved since the original proposal was considered;
- not enough school places for the additional dwellings [Officer Note: Surrey County Council has not raised any objections to the proposal on these grounds and have requested contributions towards improvements to schools in the surrounding area];
- a number of residents have reiterated their concerns about drainage, flooding and the use of the existing pond as part of the applicant's drainage strategy [Officer Note: Drainage is discussed in greater detail later in the report];
- development is too dense and requires more tree planting, green space etc;
- the Oak tree is not dead. It is noted that the tree is alive, and a rare survivor of a Stag Headed Penduculate Oak. Owing to its size and age, this tree qualifies as an Ancient Tree with the protection such a designation gives [Officer Note: This issue will be discussed in greater detail below]; and
- proposal erodes the only green space in the area.

A letter has also been received from the MP for Surrey Heath who notes that his constituents have raised profound concerns about the impact of this proposal on Ash Manor. He also states that constituents have raised concerns about the other housing developments already under way in the village and that this proposal would add to the over-development of the area. It has been asked that these concerns are brought to the attention of the Planning Committee.

For completeness it is noted that a total of 33 letters of objection have been received for the duplicate application 20/P/01461. The comments made broadly reflect those already set out and summarised above. All of the comments received for both applications can be viewed in full on the Council's website.

Ash Green Residents Association also provided comments objecting to the duplicate application and these are summarised below:

- the Council should request the developer conducts a full geological and hydrological appraisal of the site especially in the light of the recent spring developing unexpectedly in Ash Green Lane;
- the Council's tree officer should measure the ancient oak tree, in line with the recommended methods, to establish girth, and reviews historical maps to make a determination of the age, rather than just accept the determination of the developers [Officer Note: The Council's Tree Officer has measured the tree in question and his assessment is based on this];
- this application fails to meet the requirements of either the NPPF or the Local Plan with regard to the drainage and flood risk. Concerns include risk of flooding to the listed buildings, depth of the pond, use of pond liner etc;
- concerns regarding ecology, including use of old data and reports, that T67 is a veteran specimen and should be retained; no bat survey of T67, inadequate information regarding Great Crested Newts and lack of survey date for some ponds;
- the proposal would result in the loss of a rural business [Officer Note: The principle of developing this site for housing has already been established through the Local Plan];
- the proposal fails to comply with the requirements of the site allocation (A31), including the changes which were agreed by the examining Inspector; and
- the proposal is contrary to the Local Plan.

It is acknowledged that the resident's association raised other concerns about the accuracy and quality of the documents submitted for the duplicate application 20/P/01461, but these are not directly relevant to this proposal.

Ash Parish Council also objected to the duplicate application and they noted the following matters:

- overdevelopment of the plot;
- access and layout is not sympathetic to the area. Ash Manor/Old Manor Cottage is Grade II listed, Ash Manor Oast/Oast House, the Oak Barn and Ashe Grange are also listed buildings. With exception of Ashe Grange the proposal would have effect of totally detracting from historical integrity of the site;
- proposed development in conflict with the NPPF which requires conservation and enhancement of natural and historic environment;
- proposed flatted part of the development is totally out of character with the rural nature of the area;
- lack of infrastructure (schools, medical facilities);

- potential impact on local wildlife and loss of grazing;
- proposed density of site is too high;
- potential to provide near coalescence of Ash and Ash Green;
- un-neighbourly proximity to neighbouring properties with potential for proposed flats to overlook existing properties along Ash Green Road; and
- request that if the LPA is minded to approve the application that a full archaeological survey be undertaken before commencement of any development. There is potential presence of a Roman road on site.

Summary of comments from public speakers

The following is a summary of comments made by the public speakers at the 9 October 2019 Planning Committee meeting.

Ms. Gill Squibb (Ash Green Residents Association) (objector):

- previous applications have already been refused;
- far too dense and generic design;
- urbanising impact and harm to heritage assets; and
- on-site surveys of the pond have been undertaken by residents and was noted that the capacity of the pond is less than stated by the applicant. It is noted that the pond is also groundwater fed. The use of the pond for SuDS could have a detrimental flooding impact on the surrounding area.

Mr. David Weller (objector):

- the Grade II* listed building is one of the oldest inhabited dwellings in the borough and has been occupied by numerous Kings;
- the listed building sits on flint foundations directly on clay. Stability of the foundations is unclear as a result of this proposal;
- archaeological remains on the site;
- there is a duty to preserve listed buildings and their setting and weight must be given to its protection;
- Local Plan notes a requirement to protect the setting of Ash Manor and prevent coalescence; and
- views from Ash Manor to White Lane and Ash Green Road must be protected.

Mr. Andrew Morris (applicant in support):

- site is allocated in the new Local Plan and has appeared in iterations since 2014;
- site allocation has been tested by Planning Inspectorate;
- part of only 2% of borough which is not constrained by Green Belt or landscape designations;
- application has undergone significant consultation with Officers and Historic England;
- have addressed concerns so that the proposal does not harm the setting or ambiance of the area;
- reduced the harm to the inevitable change to the local environment and impact on the setting of Ash Manor;
- applicant has cooperated with neighbouring developers to ensure a comprehensive masterplan approach has been taken which includes provision of a landscaped buffer along Ash Green Road and re-planning of the spine road to provide a possible access to the neighbouring site;
- contribution being provided towards Ash bridge and 40% affordable housing secured;

- a one-year implementation period has been agreed; and
- the scheme will bring numerous public benefits.

Planning policies

National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

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

The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic Environment

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

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

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

Policy G1 General standards of development

Policy G5 Design code

Policy H4 Housing in urban areas

Policy HE4 New development which affects the setting of a listed building

Policy R2 Recreational open space provision in relation to large residential developments

Policy NE4 Species protection

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD
Climate Change, Sustainable Design, Construction and Energy SPD 2020
Planning Contributions SPD
Vehicle Parking Standards SPD
Residential Design SPG

Planning considerations

The main planning considerations in this case are:

- the principle of development
- housing need
- impact on the character of the area and design of the proposal
- impact on the setting of listed buildings
- impact on neighbouring amenity
- private amenity of proposed dwellings
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- open space provision
- impact on ecology
- impact on trees and vegetation
- impact on air quality
- Thames Basin Heaths SPA
- planning contributions and legal tests
- balancing exercise and public benefit
- conclusion

The principle of development

With the adoption of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), this site is no longer designated as being within the Countryside Beyond Green Belt. The LPSS has allocated this site under policy A31, which is an amalgamation of separate sites around Ash and Tongham. In total the allocation is expected to deliver approximately 1,750 homes. Policy A31 also sets out that development of these sites should incorporate the following requirements (inter alia):

- appropriate financial contributions to enable expansion of Ash Manor Secondary School by additional 1FE (form entry)
- appropriate financial contributions towards expansion of existing GP provision in the area or land and a new building for a new GPs surgery
- development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road.

- This will also help soften the edges of the strategic development location and provide a transition between the built up area and the countryside beyond
- sensitive design at site boundaries that has regard to the transition from urban to rural
- sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor. Views to and from this heritage asset, including their approach from White Lane, must be protected
- land and provision of a new road bridge which will form part of the A323 Guildford Road, with an associated footbridge, to enable the closure of the level crossing on the A323 Guildford Road, adjacent to Ash railway station
- proposed road layout or layouts to provide connections between both the individual development sites within this site allocation and between Ash Lodge Drive and Foreman Road, providing a through road connection between Ash Lodge Drive and Foreman Road, in order to maximise accessibility and to help alleviate congestion on the A323 corridor

The principle of 73 dwellings on this site is acceptable, subject to general compliance with the above requirements of policy A31 and relevant local and national policies which will be considered further below.

Housing need

Paragraph 59 of the NPPF states that 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. Paragraph 61 goes on to note that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disability, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'.

The Guildford borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies). As part of the allocation under Policy A31 the proposal will make important contribution to meeting the housing requirement which is identified in the Local Plan

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

It is noted that to aid the Council's early delivery of housing, a one-year implementation period has been agreed by the applicant. This will ensure the provision of an additional 73 dwellings early in the plan period, which is a significant benefit of the scheme.

Affordable housing

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable, with the mix in tenures being the same as set out above. Policy H2 also states that 'the tenure and number of bedrooms of the affordable homes provided on each qualifying site must contribute, to the Council's satisfaction, towards meeting the mix of affordable housing needs identified in the Strategic Housing Market Assessment 2015, or subsequent affordable housing needs evidence'.

The proposal generates a requirement for 29 affordable properties on the site, which are being provided by the applicant. This is in compliance with policy H2 of the LPSS. In terms of the tenures, the applicant proposes 20 affordable rent properties and nine dwellings for shared ownership. This meets with the Council's 70/30 tenure split. The proposed affordable units are integrated within the development and are spread across the site.

The Council's Housing Strategy and Enabling Manager is supportive of the application and notes that the location of the affordable units is acceptable.

As such, the proposal is considered to be compliant with policy H2 of the LPSS in this regard.

Dwelling mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

| Table 1 | | | |
|----------------------------|------------|-------------------|-------------------|
| Overall Housing Mix | No. | SHMA % Req | Provided % |
| 1 bed | 11 | 20 | 15.1 |
| 2 bed | 22 | 30 | 30.1 |
| 3 bed | 26 | 35 | 35.6 |
| 4 bed | 14 | 15 | 19.2 |
| Total | 73 | | |

| Table 2 | | | |
|-------------------|------------|-------------------|-------------------|
| Market Mix | No. | SHMA % Req | Provided % |
| 1 bed | 0 | 10 | 0 |
| 2 bed | 12 | 30 | 27.3 |
| 3 bed | 19 | 40 | 43.2 |
| 4 bed | 13 | 20 | 29.5 |
| Total | 44 | | |

| Table 3 | | | |
|-----------------------|------------|-------------------|-------------------|
| Affordable Mix | No. | SHMA % Req | Provided % |
| 1 bed | 11 | 40 | 37.9 |
| 2 bed | 10 | 30 | 34.5 |
| 3 bed | 7 | 25 | 24.1 |
| 4 bed | 1 | 5 | 3.5 |
| Total | 29 | | |

During the course of the application, the applicant has amended the mix to better reflect the Council's SHMA. When compared to the SHMA mix, it can be seen that overall, the proposed development reflects favourably. While there are still inconsistencies, these are very minor and are not likely to cause any material harm to the Council's ability to deliver a compliant SHMA mix on a wider basis. It is noted that no one bedroom market units are being provided, however, overall, the provision of one bedroom units on the site is broadly similar to the SHMA requirement.

It is further noted that in the Inspector's Final Report (paragraph 48) on the LPSS he stated 'as regards housing mix, the policy is not prescriptive but seeks a mix of tenure, types and sizes of dwelling, which the text indicates will be guided by the strategic housing market assessment. The policy also seeks an appropriate amount of accessible and adaptable dwellings and wheelchair user dwellings'. While it is acknowledged that the proposed mix is slightly different to the SHMA guidance, it is noted that the SHMA mix is to be achieved over the whole of the housing market area and over the lifetime of the plan. It is not feasible or practical to require every site to rigidly meet the SHMA requirement and this is reflected in the Inspector's comments noted above. The flexibility set out in the policy must be used to achieve an acceptable mix across the borough. Furthermore, it is noted that the Council's Housing Strategy and Enabling Manager is content with the proposed affordable mix of dwellings and is confident that it meets the specific needs of the local area.

Given all of the above, the proposed mix is deemed to be acceptable in this instance

Accessible units

Policy H1 of the LPSS requires that 'on residential development sites of 25 homes or more 10% of new homes will be required to meet Building Regulations M4(2) category 2 standard 'accessible and adaptable dwellings' and 5% of new homes will be required to meet Building Regulations M4(3)(b) category 3 wheelchair user accessible dwellings standard'.

The applicant has confirmed compliance with the above requirements and are providing seven accessible and adaptable dwellings and four wheelchair user accessible dwellings. These will be secured by condition.

Overall, the proposal is considered to meet with the NPPF's objective of boosting the supply of homes, which meet the needs of groups with specific housing needs. The proposal will also result in early delivery in the plan period, which would be controlled through condition. In this regard the proposal is consistent with policy H1 of the SLP, as well as the guidance set out in the NPPF.

Impact on the character of the area and design of the proposal

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

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

Policy D1 of the LPSS makes clear that new development will be required to achieve a high quality design that responds to the distinctive local character of the area in which it is set. The design criterion set out in policy G5 of the saved Local Plan are also relevant.

Impact on character of the area

As the application site is currently a paddock, it is fully acknowledged that the provision of 73 dwellings will materially alter the character and appearance of the area. However, having said that, it must also be borne in mind that the site is now allocated for housing as part of the new Local Plan so a change in the character of this area is inevitable and expected. However, to manage the impact, the layout and design of the scheme must be of high quality, creating a development which will contribute to the existing built form in a positive manner.

The existing hedge and trees along Ash Green Road would be retained as part of this proposal. However it is noted that there is the possibility that the same hedge and trees could be substantially cut back or even removed to facilitate a new footpath which would serve the approved residential development to the north-east (known as May and Juniper Cottage). While the Council has been working very closely with the developer of the May and Juniper Cottage site (as well as the residents association and County Highway Authority) to secure an alternative route for the footpath which would limit the impact on the hedgerow, this has not yet been agreed. Therefore, the Local Planning Authority must consider the possible worst-case scenario which is the substantial cutting back or removal of the existing hedge around the southern boundary of the application site.

The applicant is aware of the above possibility and has provided a new indicative planting plan for the site, which includes enhanced landscaping plan for the southern boundary of the site. This includes significant additional planting of new hedgerows and trees between the proposed houses and the northern edge of Ash Green Road. All of the proposed planting would be located on the application site and is therefore deliverable. The applicant has confirmed that it is their intention the planting would be carried out in any event, whether the hedge stays or is removed.

A condition would secure the planting and would require the applicant to submit a detailed planting plan for approval by the Council before the commencement of the development.

In the 'best case' scenario the existing hedge will remain and will be bolstered with the proposed additional planting. It is acknowledged that, if the existing hedgerow were to be cut-back or removed, the proposed dwellings would then become more prominent in views from Ash Green Road. However, as the proposed additional planting of new hedgerows and trees establishes and matures, Officers are confident that it will over time provide a screen which is similar to, or better than, what is present today. Furthermore, it is noted that the elevations of the dwellings would still be set back from the southern boundary by between 13 and 26 metres.

In either scenario, the existing hedge and its reinforcement, or the planting of new hedgerows and trees, would retain a strong buffer along Ash Green Road, with a semi-rural appearance and will help to screen the development from this vantage point. As mentioned above, the planting of the southern boundary will be secured by condition.

The site will be accessed from a new 'T' junction onto Foreman Road which compared to the roundabout proposed as part of the previously withdrawn scheme has a far less urbanising impact on the surroundings and results in the retention of the large TPO Oak tree in this position. The proposed access arrangements will help to preserve, as much as possible, the semi-rural character of the surrounds. The applicant has also agreed to retain the existing track access to Ash Manor which forms an important element in the experience of this heritage asset. The retention of this access, and its integration into the development also provides a link to the existing site context and will help to improve the sense of place for the new proposal.

Coalescence of Ash and Ash Green

It is noted that the Local Plan allocation for A31 states that 'development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built-up area and the countryside beyond'.

It has been noted above that the proposal as a whole would not be of a size or scale which would materially detract from the character of the rural landscape, taking account, in the 'best case' scenario, the retention of existing trees and hedgerows, and in the 'worst case' scenario, replacement boundary planting which is being offered by the applicant.

As regards the 'green buffer', it is noted that the existing retention of the hedge and trees along the northern side of Ash Green Road (or, in the 'worst case' scenario the replacement planting of trees and hedgerows along this boundary), together with the setback of the dwellings along the southern edge of the application site, would provide a 13 to 26 metre wide 'green' gap between the rear elevations of the dwellings and the highway (Ash Green Road). This would clearly differentiate the proposed site from the dwellings on the southern side of Ash Green Road, avoiding the possibility that the site could be viewed as an extension of existing development along Ash Green Road, and by implication, Ash Green.

Retaining the existing vegetation, or planting replacements, would also provide the 'soft edge' required by the policy. Officers consider that the extent and function of the green buffer would not be materially affected even if a footpath is constructed along the northern side of Ash Green Road.

As the Local Plan has no details of what a 'green buffer' should entail, it is considered that these arrangements strike a reasonable balance between preventing the perceived coalescence of Ash and Ash Green, whilst still allowing the site to be developed to meet the housing allocation requirements of the Local Plan and policy A31.

Design and layout

The proposed layout sees a central spine road running along the southern side of the site, fronted with dwellings to its south and two cul-de-sacs to the north. The dwellings on the southern side of the spine road would be mainly two storeys in height, with two blocks of two storey apartments (with some accommodation in the roof of Block A) at its eastern end. All of the dwellings are set back from the spine road, which allows most of the plots to have front garden areas and a number of new street trees would also be planted along the back of the pavement. The dwellings would have good gaps between them and as such, the proposal would provide a strong and attractive frontage to the spine road. While it is noted that local residents have in the past raised concerns about the 2.5 storey apartment buildings, these were amended by the applicant are now two storey in appearance with a small amount of accommodation within the gable of Block A. As such, the proposed apartments would not lead to any material harm to the character of the area.

The two cul-de-sacs running off the northern side of the spine road would be finished with a different surface material to help integrate this side of the site with the more rural surroundings to the north. The plots fronting onto the cul-de-sacs are also relatively spacious.

As regards the entrance into the site and the relationship to the existing access into Ash Manor this has been carefully considered. The area around the entrance is spacious and areas of open space are provided to ensure that the semi-rural nature of the surroundings are respected. Development has also been set away from the track which serves Ash Manor, with a landscaped buffer provided between the rear gardens of the new dwellings and the existing hedge along the eastern side of the track. The result is that the rear elevations of the dwellings would be between 15 and 21 metres from the track, thereby protecting this aspect of the character of the site.

In terms of the design of the proposed dwellings it is noted that they are relatively traditional in their form with the use of red bricks, tile hanging and clay and tiled roofs. None of the buildings would be overly large or bulky and the roof scape would be broken up through the use of a variety of pitched and hipped roofs throughout the scheme.

The proposal also includes large areas of open space which double as a buffer to the heritage assets associated with Ash Manor. This includes a meadow area to the west of the pond and a larger area to its north-east. This provides a valuable amenity for future residents of the scheme, helps to soften the edges of the development where it meets the currently more rural areas to the north and helps to protect the setting of Ash Manor (which will be discussed in greater detail below).

With conditions to control the landscaping and boundary treatments, the proposal is deemed to be consistent with policy D1 of the LPSS, policy G5 of the saved Local Plan and the relevant provisions of the NPPF.

Impact on the setting of listed buildings

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

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the National Planning Policy Framework sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 190 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 193 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. This policy reflects the statutory duty in section 66(1). Paragraph 194 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS is generally reflective of the NPPF and it states:

1. the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported; and
2. the impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

In this case the proposal would affect the setting significance of Ash Manor (Grade II* listed building), and its associated Oast House and stable, as well as Oak Barn (all Grade II).

It should also be noted that the Ash Manor complex sits in close proximity of a number of other developments which have recently gained planning permission and which also form part of the A31 allocation. These include the new Ash road bridge to the north and the housing development at May and Juniper Cottage to the south-east. The cumulative impact of the current proposal and those noted above on Ash Manor and its setting will also need to be considered in the report. While the NPPF does not contain specific guidance on this matter, the Historic England document entitled 'Managing Significance in Decision-Taking in the Historic Environment' states that: *'The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape'*. Historic England's Good Practice Advice Note 3 'The Setting of Heritage Assets' also re-iterates this advice and the PPG makes clear that cumulative harm can be an important factor in assessing setting cases, as noted in paragraphs 18a-013-20190723 (Historic Environment), and 4-024-20170728 (Environmental Impact Assessment).

Significance

Ash Manor is a Grade II* listed building and its associated Oast House and stable are Grade II listed, as is the sixteenth century barn on the site. The site of Ash Manor, now split into two properties, Ash Manor and Old Manor Cottage, is believed to have been occupied since the thirteenth century. Part of a medieval moat survives, as does medieval fabric within the house with subsequent later phases possibly from the sixteenth and mid seventeenth centuries. The other listed buildings on the site, an Oast House and barn, have been converted to residential use but their former uses are easily read as is the relationship with the manor house.

In terms of significance, Historic England (HE) state that 'the Grade II* listed Ash Manor and Old Manor Cottage is one of three listed buildings forming a discrete group within the rural landscape to the north of Ash Green. The buildings significance is derived from its historic and architectural interest as a moated manor house thought to have thirteenth century origins with successive phases of development dating to the sixteenth, seventeenth and the mid-twentieth centuries. Ash Manor and Old Manor Cottage has a strong group value in combination with the nearby Grade II listed Oak Barn, Ash Manor Oast and The Oast House. The listed buildings and the non-designated evidence of the historic moat together have integrity and coherence as a manorial site in a rural setting'.

The sixteenth century former barn (Oak Barn) is sited directly to the north of the application site formed part of the farm associated with Ash Manor. The recently updated listing entry identifies it as an asset which has a combination of architectural, historical and group significance which form the basis for its designation. As regards the Oast House and Ash Manor Oast it is noted that it is originally an oast house of eighteenth-century construction, that is now divided into two dwellings. The former oast has two principal parts, the kiln to the north, which is rectangular in plan with a pyramidal clay tiled roof, and a two storey, three-bay range to the south whose purpose would have been for storage. Both sections are of brick construction. Within the storage range is a pair of large openings, probably originally intended for carts, now used as garaging.

Again it is noted that the recently updated listing entry identifies it as an asset which has a combination of architectural, historical and group significance which form the basis for its designation.

Contribution of setting to significance

The site of Ash Manor is believed to have been occupied since the thirteenth century, originally owned by Chertsey Abbey. It became the property of the Crown following the dissolution of the monasteries, and was granted to Winchester College in the late 1540's. The college owned it for the next 400 years selling it into private ownership in 1925. The house was divided into two in 1945.

The current agricultural and open character of the setting of this group of listed buildings is one that has remained constant throughout the sites long history. It contributes to the significance of the group of buildings by illustrating the functional relationship between agricultural buildings and farmland, and the current openness of the surroundings helps us to read the historic importance of this group of buildings. A high-status medieval building such as Ash Manor would not generally have been surrounded by other dwellings, the moat suggests an element of defence which also indicates some degree of isolation.

In response to a previous application made on this site (17/P/00513 refers) Historic England has said that 'the experience of The Manor and the understanding of its importance individually and as part of a group is enriched and informed by the current setting'. The listed farm buildings still have a strong relationship with the surrounding fields both visual and practical with the horses stabled here using the paddocks. The rural character of the farmstead is very apparent when standing outside the Oast House and stables. Furthermore, the current approach to this group of listed buildings is along a narrow country lane edged with hedgerows and groups of trees and bushes. The rural character is emphasised by the informal appearance of the access road and glimpses of fields and open spaces before you turn sharply to the east and glimpses of the listed buildings are revealed. The low key access track is an important element of the current setting.

Assessment of impact on setting

Historic England have provided three sets of comments on this application, which are based on the various amendments received during the course of the application. The first comments on the originally submitted scheme noted that they were pleased with direction of travel adopted which reduced the level of harm on the setting of the manorial complex. They noted that the changes made to the previously withdrawn scheme helped to retain more of the current rural experience in accessing the manorial complex from White Lane. However, it was still felt that the original scheme caused some harm to the significance of the listed manorial complex. To improve the scheme and overcome this, HE suggested a number of amendments to the application. These included the re-siting of the proposed substation from the 'northern' field into the 'southern', the introduction of an impermeable boundary formed by landscaping the short distance between these two fields and the access road should be rerouted further east to connect with the adjacent parcel of land proposed for development to the northeast. HE concluded that with these changes to the scheme the level of harm could be further reduced.

Following these comments, the scheme was amended by the applicant. The substation was moved into the southern field and the access road was rerouted further to the east to provide a connection into the site to the rear of May and Juniper Cottages. HE were consulted on the amendments and provided a second response where they welcomed the changes. However, HE did correctly note that the amended scheme proposed to 'alter the shape of the pond, claiming some land from it to the south and extending it round to the north east to pull it into the eastern field. The housing to its east has been brought correspondingly further north, and is now closer to the listed complex than in the previous layout. This weakens the sense of the field boundary in comparison to the last iteration of this scheme, rather than strengthening it. As the field boundary and pond form are historic and perform the useful function of buffering the listed buildings from the new housing, we are not in favour of this change, and recommend the pond remains in its current form and the housing layout is readjusted slightly to the south, to allow the boundary to be strengthened as previously suggested. At present, we consider harm is caused to the Manor and its associated buildings through development in their setting, and that it is still practicable for harm to be limited further, in the context of a development of this scale'.

Following HE's second response, the applicant undertook further amendments to the scheme. A plot (then referred to as plot 27) was deleted from the layout which increases the buffer between the northern and southern fields as suggested by HE. It is noted that the pond remains the shape as previously proposed. HE were again consulted on the additional amended plans and provided a third response which noted the proposal would now keep all development out of the northern field as was previously advised and that this 'does reduce the impact on the listed complex compared to the last iteration of the proposals'. It was noted that the permeability between the northern extent of the built form and Ash Manor should be restricted further and this could be achieved through additional hedge planting. This will be secured by condition. HE conclude by noting that they consider 'that the scheme will cause some harm to designated heritage assets, and advises that paragraph 196 of the NPPF should inform your decision as to whether the public benefits of the proposal might outweigh what we assess to be less-than-substantial harm'.

Following the deferral of the application by Members at its meeting in October 2019, the applicant embarked on a further and final round of amendments. The open space to the north of plot eight was increased in depth by approximately six metres. This results in the buffer between the Grade II* listed building and the new built form increasing from 145 to 151 metres. The buffer between the southern-most Grade II listed building would increase from 80 to 86 metres. While it is acknowledged that the change is relatively minor, any increase in the buffer to the listed buildings can only help to further reduce the harm caused to their setting.

In addition to the above, it is acknowledged that a new dwelling has been inserted to the east of the existing pond (plot 28). However, this would be screened from the listed complex by the existing modern agricultural barn to the south of the Oak Barn and a strong row of planting would separate the dwelling from the open space. However, it is acknowledged that this slightly reduces the size of the buffer in this less-sensitive part of the site. As noted earlier, the design of the apartment buildings were also changed to reduce their height and bulk, with them now appearing as a mainly two storey buildings. This change is considered to result in an improvement to the setting of the listed buildings.

Historic England were consulted on the final revisions and note that the changes have altered the layout of the housing south of the grade II* manor and its associated complex. They have also noted that taking the layout as a whole, they consider that the harmful impact of the scheme on the listed complex would be no greater than in the last iteration of the scheme – i.e. less than substantial harm.

The comments made by HE regarding the existing pond are also noted. They state that the 'pond is an historic feature that along with the existing landscaping performs the useful function of providing a remnant of the original historic landscape context to the Manor Farm complex as well as buffering the listed buildings from the new housing. It is therefore important that the pond, fencing and landscaping around it are designed to retain a natural and rural appearance. If your Authority cannot ensure that this can be achieved, you should consider if there are any alternative ways of providing the SuDS. Your Authority should also be advised by your flooding specialists regarding whether there is likely to be increased risk of flooding to the listed building complex as a result of the SuDS proposals'. Officers are confident that the conditions set out in the agenda will ensure that the pond is finished in a manner which respects the natural, rural surroundings.

The Council's Conservation Officer has also assessed the proposal. As regards the impact on the Oak Barn it is noted that 'the proposed development would not have an impact upon the barn's most immediate setting, however, it would result in a concerning change to the barn's wider setting. This would manifest, not only by virtue of physical change to the character of this land, including by being perceptible and disruptive in outward views from the heritage asset, as well as inward views, but also, it would facilitate in the erosion of a part of the legible understanding of the site's history, role and use as a manorial farmstead. Equally, the activity and noise generated from the placement of 73 homes and their occupants would certainly have an impact on the assets current tranquil character and sense of privacy'.

In relation to the impact on the grade II* listed building the Conservation Officer notes that the proposed development would not have an impact upon the immediate setting of this heritage asset, including its gardens and historic moat. And by virtue of its fortunate northern situation and orientation within the complex it is also afforded a good degree of screening and protection from the proposed development, with views southwards towards the proposed development being screened by the other buildings (Oak Barn, The Oast House and Ash Manor House), as well as the prevailing vegetative screening. Nevertheless, there is a concern that the development would have an impact upon its wider setting, particularly on approach.

Access to the Manor (and all other properties on site) is currently via an informal access track, that runs from the Foreman Road, Ash Green Road, White Lane intersection, which is to the south of the asset, and runs along the western field boundary of the application site. The character of this track is defined, in the main, by the hedgerow and field, with views out over towards the housing along Ash Green Road to the east and a wooded tree belt to the west, and does contribute to the experience that you are moving away from the surrounding settlement towards something that is more rural in character and form. As such, there is a concern with the resultant change to character and experience of traversing this access approach, given that the views eastwards will be altered by the introduction of the properties themselves but also their rear gardens and domesticated boundary treatments. There is also a wider concern that the proposal would facilitate in the erosion of some of the legible understanding of the site's history, role and use as a manorial farmstead, by developing on land that the property once historically farmed.

However, there is an acknowledgment that the development attempts to retain and capitalise upon the field boundary pattern, thus not totally undermining this legibility.

As regards Ash Manor Oast and the Oast House the Conservation Officer notes that to a large degree, many of the concerns that have raised and discussed for Ash Manor and Old Manor Cottage and Oak Barn are applicable in the case of the Oast House, given that the asset forms part of the same small complex. Much like Ash Manor, the proposed development would not have an impact upon the immediate setting of this particular heritage asset given its orientation and positioning within the site, relative to that of the proposed development. Equally views between the asset and the proposed scheme are curtailed by the fortunate placement and scale of Oak Barn and the large modern agricultural barn/workshop, both of which sit to the south of the heritage asset. But in terms of its wider setting, points which have already been raised concerning the resultant change to character and experience of traversing the trackway approach to the property, as well as the erosion to the legible understanding of the site's history, role and use as a manorial farmstead are equally as valid in this respect.

The Conservation Officer also notes that applicants are now proposing to alter the shape of the large historic pond on site, which includes reclaiming a small amount of land, thus having an impact on the separation distances between the new housing and the listed complex. Whilst, relatively speaking, the encroachment distances are fairly minor, there is still a concern with bringing the development marginally closer, if the aim is to mitigate harm.

Notwithstanding the above, taking into account Historic England's original comments and their suggestions on how to improve the scheme, it is now considered that the applicant has made every reasonable attempt to improve the layout and design of the scheme, whilst still achieving a development which will contribute to the Council's housing delivery in line with the site allocation. The proposal retains the existing track which provides access to the Ash Manor complex. This has landscaping on either side and a 15 to 21 metre wide buffer to the elevations of the closest proposed dwellings. As noted above this helps to retain the current rural experience in accessing the complex from Foreman Road. Compared to the previously withdrawn scheme a buffer which is free from development has been included around the south and east of the complex. The land associated with this buffer is approximately 0.08 hectares in area and is approximately 40 metres deep. This means that the dwellings proposed through this application are a minimum of 86 metres away from the Grade II listed buildings and 151 metres away from the Grade II* listed building, with the gap being landscaped and provided with hedge screening to limit views between the two (secured by condition).

The concerns of HE and the Conservation Officer relating to the extension of the pond are acknowledged and this harm will also need to be taken into account. However, it also needs to be considered that the enlarged part of the pond would be 40 metres away from the complex and 105 metres away from the Grade II* listed building and would be screened from direct views by the existing modern agricultural barn. In addition, Officers are confident that the conditions set out in the agenda will ensure that the pond is finished in a manner which respects the natural, rural surroundings.

All in all, the Ash Manor complex would retain a relationship with the surrounding fields and its rural character as a farmstead would still be appreciated to some degree. It is considered that the applicant has achieved an acceptable balance between protecting the significance of the heritage assets and providing the dwellings that are needed.

The proposal would also inevitably lead to increased activity within the setting of the complex and associated noise etc. However, apart from the temporary impacts associated with construction, the noise resulting from this proposal would be of a domestic nature in an area which already has residential occupation (including all of the listed buildings).

Although the applicant has minimised the harm caused to the setting of the Ash Manor complex, there would inevitably be some harm caused. The applicant's Heritage Assessment notes that the proposal would result in 'less than substantial' harm to the heritage assets, a view which is supported by Historic England. The Council's Conservation Officer takes a similar view and notes that considering all three assets on an individual basis it is concluded that for each one there is resultant harm to significance and setting. However, it is also acknowledged that during the course of the application amendments have been made to the scheme to aid in the mitigating of arising harm. When assessing 'harm', current good practice is to consider the resultant harm against a spectrum, ranging from low to high. With that in mind, it is concluded that the degree of harm caused to these assets, even when taking into account the mitigating measures, can be described as being at the lower end of the 'less than substantial harm' spectrum.

Officers concur with these views and therefore, in NPPF terms the harm to the identified assets arising from the proposal itself is considered to be less than substantial and at the lower end of that scale.

Cumulative impact

As noted above, since the original approval of this application two other large-scale developments have been approved in relatively close proximity. These are the new road bridge which bypasses the level crossing in Ash and the housing scheme at May and Juniper Cottage.

The new road bridge is located to the north of the Ash Manor complex and the main infrastructure is separated from the listed building by a distance of approximately 195 metres. While the development itself would be partially visible from Ash Manor, this would reduce in time due to the large amount of screening and planting which has been secured. However, this would not remove the increase in noise, light and general disturbance from the bridge which will detract from the current more tranquil, rural setting of the buildings.

In terms of the May and Juniper Cottage application it is noted that this was an outline consent for 100 dwellings. Although consent was granted, the subsequent reserved matters application will need to detail how the exact design of the scheme would preserve the setting and significance of Ash Manor.

All of the above means that the amount of development which will surround the Ash Manor complex has increased and together the proposed scheme, this will result in an increased erosion to its context and its rural setting.

As noted earlier in the report, following the quashing of the original grant of permission, Historic England have been invited to comment again on the proposal and, in particular, on the issue of cumulative impacts following the approval of the new road bridge and the housing development at May and Juniper Cottage. Historic England's most recent response notes the following regarding the possible cumulative impact on the Ash Manor complex:

'In our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented developments nearby are taken into account. We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that it is likely to be less than substantial'.

The Council's Conservation Officer has also considered the issue of cumulative harm. Her view is that the harm to the complex as a whole, taking into account the cumulative impact of the proposal together with the consented road bridge and May and Juniper, would still be 'less than substantial' within the meaning of the NPPF. However, the cumulative harm caused would be greater than the harm that would be caused to the assets when the proposal was considered in isolation. In her view the cumulative harm to the assets would be in the low to middle range of the 'less than substantial' scale.

Both HE and the Council's Conservation Officer therefore conclude that, even when the cumulative harm is taken into account, it would still amount to 'less than substantial'. The Council's Conservation Officer has concluded that, on the less than substantial scale, the cumulative harm would befall in the low to middle range.

Having reached the view that the proposal results in harm to surrounding heritage assets, it is re-emphasised that paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This accords with the duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. It is noted that the harm identified includes a Grade II* listed building and the therefore the weight to be given to this harm should be calibrated accordingly.

In a situation where less than substantial harm is identified, the NPPF at paragraph 196 states that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The public benefits of the proposal will be set out below. Whether these claimed public benefits outweigh the heritage harm, taking account of the great weight and considerable importance that must be afforded to that harm, will also be assessed.

Impact on neighbouring amenity

The proposal has the potential to impact on the amenity of a number of existing residents.

Ash Green Road

The properties to the south east of the site, on the opposite side of Ash Green Road are a mix of detached and semi-detached dwellings, most of which are two storeys in height. The proposed development has been designed with a buffer along its southern boundary to Ash Green Road, which means that the new dwellings would be separated from those opposite by a distance of approximately 32-35 metres. This means that there would be no material loss of amenity to the existing residents on the eastern side of Ash Green Road.

It is acknowledged that a number of residents raise concerns about the potential overlooking and overshadowing from the proposed apartment buildings to the Ash Green Road dwellings. While these concerns are noted, the distance of separation is such that there would be no material loss of amenity to the occupants of these properties. This is even more so as a result of the changes to the apartments and their reduction in height.

May and Juniper Cottage

This is a pair of semi-detached dwellings situated off the north-eastern corner of the site. Plot 46 would back onto May Cottage, with its rear garden forming the boundary between the sites. A gap of approximately 20 metres would be retained between the elevations of the dwelling on plot 46 and May Cottage. On this basis, there would be no harm caused to the amenity of the residents of May and Juniper Cottage.

Ash Manor

As discussed above, Ash Manor contains four individual residential dwellings and is located to the north of the application site. The proposed dwellings would be located well away from these properties, with the existing pond and an area of open space acting as a buffer between the two. As such, the proposal would not result in any harm to the amenity of these existing residences.

It is also noted that an indicative landscape strategy has been submitted by the applicant which illustrates how the open space within the development could be laid out and designed. It is noted that concerns have been raised that the landscape strategy for the paddock to the east of the Ash Manor complex includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of the residents of The Oak Barn or The Oast House from dog walking etc, nevertheless, an additional condition is suggested to ensure that the boundary between the site and these residences is adequate to act as a buffer.

Approved development at May and Juniper Cottage

It is noted that plots 44 and 45 would be the closest properties to the May and Juniper Cottage development site. While it is acknowledged that May and Juniper Cottage only has the benefit of outline planning consent, the closest proposed plots to its boundary (plots 44 and 45) would be sited a significant distance away. As such, there would be no harm caused to the potential dwellings on May and Juniper, wherever the units are situated.

Given the above, the application is deemed to be acceptable in this regard.

Private amenity of the proposed dwellings

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

As can be seen from the table below, all of the house types proposed as part of the development comply with the relevant space standards in terms of their overall size. The bedroom size and storage provision is also compliant. The proposal is therefore deemed to be acceptable in this regard.

| NDSS Compliance Table | | | | |
|------------------------------|-----------|-----------------------|----------------------|----------|
| House Type | Occupancy | GIA NDSS Min. (Sq.m.) | Proposed GIA (Sq.m.) | Comply ? |
| Burghclere | 2B4P | 79 | 85.02 | Yes |
| Eversley | 2B3P | 70 | 72.38 | Yes |
| Marlow | 3B4P | 84 | 116.94 | Yes |
| Ripley | 3B5P | 93 | 101.4 | Yes |
| Witney | 4B7P | 115 | 123.98 | Yes |
| Avington | 4B7P | 115 | 126.02 | Yes |
| Shalford | 4B8P | 124 | 147.46 | Yes |
| Marlborough | 4B7P | 115 | 142.1 | Yes |
| Chilworth | 3B4P | 84 | 111.6 | Yes |
| Epsom | 3B4P | 84 | 88.58 | Yes |
| Longstock | 4B6P | 106 | 126.58 | Yes |
| Godstone | 4B6P | 106 | 118.34 | Yes |
| Cranleigh | 3B4P | 84 | 93.52 | Yes |
| 3B / 3BA | 3B5P | 93 | 95.94 | Yes |
| 2B | 2B3P | 70 | 71.3 | Yes |
| 4B | 4B6P | 106 | 108.64 | Yes |
| 1B2P | 1B2P | 50 | 50.42 min | Yes |
| 2B4P | 2B4P | 70 | 72.26 min | Yes |
| 2B3P | 2B3P | 61 | 66.04 | Yes |

All of the proposed houses would have adequate areas of private amenity space, with most properties also including front garden areas. While the apartments have relatively small areas of communal open space within their plots, the site does include large areas of open space to the south of Ash Manor which could be used by all residents.

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

Highway/parking considerations

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is supported by a Transport Assessment (TA) which has been assessed by the County Highway Authority (CHA). Amended and additional information was also submitted, following initial concerns which were raised by the CHA.

Capacity of highway network

The TA notes that the traffic generation of the site has been calculated at approximately 34 two-way trips in the weekday morning and evening peak hours. It is however noted that this figure was based on a proposed 77 dwellings, so the number of trips would now be a little lower due to the reduction in the number of units to 73.

The TA shows that the existing junctions tested, currently operate within capacity with minimal queuing and will continue to do so in the future years, even with committed development, the proposed development and additional 'live' (but not committed) planning applications taken into account. The applicant's modelling has been reviewed by Surrey County Council and no objections have been raised regarding the impact of this proposal on the capacity of the network subject to some improvements being made at junctions within the vicinity of the site. A s.106 contribution has been secured to go towards these improvements.

Access and highway safety

It is noted that the previously withdrawn application included a roundabout at the junction of Foreman Road, Ash Green Road and White Lane which provided access into the site. This was considered to be an overly urban intervention into this semi-rural area and following discussions between the applicant, Local Planning Authority and County Highway Authority, it was agreed that a 'T' junction would be an acceptable alternative. A footway will be provided connecting the site to the existing footway on Foreman Road which will link the development to the existing network on Grange Road. Future occupiers of the site will have a continuous footway link to Ash railway station and the bus stops on Ash Church Road through the development on Grange Road, once implemented, or via Church Lane. A footpath is also to be provided towards White Lane and to the bus stop.

As noted above, the access arrangement has been demonstrated to work in terms of capacity. There is sufficient visibility for vehicles leaving the access and for vehicles on Foreman Road. A build out is to be provided on the spine road to deter vehicles from using the track which provides access to Ash Manor. To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution has been secured to go towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. The developer will also implement traffic calming measures on Foreman Road.

Given these measures, no highway safety objections have been raised by the County Highway Authority.

Parking

A total of 158 car parking spaces are provided on site. These are in the form of garages, driveway parking spaces, parking courtyards and on-street parking. This equates to just over two parking spaces per unit. It is noted that the scheme provides an adequate number of on-site parking spaces and the proposal is deemed to be acceptable in this regard.

As regards highways impacts it is concluded that the proposal would not result in any material increase in traffic in the area and no capacity concerns are raised. It is noted that this conclusion is reached taking into account all approved, committed and likely development in the immediate area. With the mitigation measures proposed, there would be no adverse impact on highway safety. As such, the proposal is deemed to be acceptable in this regard.

Flooding and drainage considerations

The site is located within flood zone one which is land assessed as having a less than 1 in 1,000 annual probability of river flooding. There is also a small area at a low risk of surface water flooding which is associated with the existing pond to the north of the site. As part of the application a Flood Risk Assessment (FRA) has been submitted which has been supplemented with additional information requested by the Lead Local Flood Authority (LLFA).

The FRA notes that all road and roof runoff will drain to an adoptable network. The model demonstrates that the drainage network will drain by gravity and discharge into an attenuation pond located along the northern boundary of the site. The attenuation pond is located at the same location as the existing pond which will be re-profiled to provide a storage volume which meets the need of the development. The attenuation pond has been sized to store and release all surface water runoff from the proposed development at a rate of 5l/s up to and including the 1 in 100 year plus 40 per cent climate change event. It is likely that the pond will contain water through most of the year (apart from periods of prolonged low rainfall) and this will provide a habitat for flora and fauna. A maximum water level for the pond will be also be set. The outlet from the pond will be fitted with a flow control device that will restrict flows to a maximum rate of 5l/s. The outfall will then discharge to an existing drainage ditch located to the north of the site.

To manage extreme storm events and to prevent water entering onto third party land, the proposed topographical profile of the proposed development will be designed to direct surface water run-off away from proposed buildings and toward either landscaped areas, open attenuation or the existing drainage ditches along the north east and north west boundary of the site. This will provide additional protection against surface water flooding during an exceedance event and will protect neighbouring properties from flooding.

It is acknowledged that a number of local residents, including one local resident who (although objecting in a private capacity) appears to have relevant expertise in groundwater matters, have raised concern about flooding. In particular, the main concern is that the existing pond, which is to be used as a retention pond, is groundwater fed. It has been suggested that adding further water to the pond from the proposed development may mean that water levels in the pond could increase, over-top its bank and flood the surrounding land.

This was an issue which was considered when the application was previously determined in December 2019. At that time, the LLFA had received technical reports provided by the applicant's specialist consultants addressing the specific issue of potential groundwater ingress to the proposed retention pond, as well as the critique of those reports provided by the local resident. The LLFA confirmed that they were satisfied that the applicant has provided sufficient information on surface water drainage (subject to the imposition of appropriate conditions).

As noted above this issue formed a ground of challenge in the judicial review, with it being argued that the Council had failed to have sufficient regard to the representations of the local resident in question about the risk of groundwater flooding. The Court rejected this ground of challenge, holding that the officers and committee took account of the views of local residents, but were entitled to accept the view of the LLFA that the applicant's technical evidence demonstrated that there was no increased risk of flooding.

Since the original assessment of the proposal, further correspondence has been received on this issue from objectors. In particular, the local resident mentioned above has provided a further representation in relation to the duplicate application on this site, but which is also of direct relevance to this proposal. In that representation (dated 16th October 2020), the resident critiques the applicant's Technical note of 14 September 2020. His central concern is expressed as follows:

'the vital assumption being made by the applicants is that the pond can be engineered to increase its capacity to retain the excess run-off from the site. I maintain that this will not work because the pond is fed by at least one source other than surface water run-off. It is a simple and logical explanation for the pond being permanent rather than seasonal, which is the case for some of the other ponds in the area. The authors of the technical note, made in response to my submission, have challenged this interpretation. However, I note they have failed to provide an alternative explanation for the permanence of the pond even in times of severe drought'. The resident then goes on to conclude that 'I have argued that it is not, as suggested by the authors of the technical report,...implausible that significant hydraulic connectivity exists between the confined groundwater [...] and surface water features...[rather] The observed characteristics of the pond support my assertion that it is made permanent by, perhaps, multiple inputs of water, including groundwater. And it would not be a unique feature of this area. Birch's History of Tongham, which I refer to in the introductory paragraphs, states that springs were common in the area, suggesting that localised hydraulic connectivity between the groundwater and the surface is typical rather than atypical of the clay stratum in Ash Green and Tongham. The evidence suggests that it is indeed plausible for sufficient hydraulic connectivity to exist between the groundwater and surface features. I am very concerned that the applicant's knowledge and understanding of the area is extremely limited and that wrong assumptions are being made about crucial features of the proposed site of the development. This is a fragile environment where mistakes will have a severe detrimental affect on important historical buildings. For this reason, I continue to object to their proposals'. It is noted that the comments raised by the local resident can be viewed in full on the Council's website through this application and 20/P/01461.

Following the further objection, the LLFA referred this matter with ground water quality risks specialists at the Environment Agency (EA). This was on an 'informal' basis given that the EA is not a statutory consultee. The EA, through the LLFA, requested that the applicant provide further clarification and response to their queries.

On the 11 February 2021 the applicant provided responses to the LLFA/EA queries. At the same time the applicant also provided another Technical Note (11 February 2021) in response to the resident's concerns.

Following the provision of the additional information, the LLFA's provided further comments on 25 February 2021, which stated as follows: *'following [residents] objection letter...SCC as LLFA asked the Environment Agency ground water specialists to informally (as they are not statutory consultee) to review the data provided by the applicant. Subsequently [the applicant] provided a response to [the resident] and to our queries. The data provided by the applicant including analysis by the applicant's hydrogeologist indicates that there would be no significant impacts on ground water flow if the proposed attenuation basin was to be lined. Therefore, we propose that our suggested planning conditions remain as previously proposed. The applicant should ensure that the lining of the pond is suitably designed to take account of the conditions shown by the GI report, in particular to mitigate any minor ground water flows and allow ground water movement past the pond for ground conditions throughout the year'*.

Officers have also received clarification from the LLFA that the applicant's Technical Note (11 February 2021) had been referred to the EA, and that the EA had provided advice to the LLFA which had enabled them to conclude that the applicant had addressed the previous queries raised.

While the Council recognises that residents will still have concerns about this proposal, the Council has now been provided with a large amount of technical data and assessments from the applicant. All of this information has been reviewed by the LLFA, this time together with informal consultation with ground water quality risk specialists at the Environment Agency. The LLFA maintain that the drainage strategy associated with this proposal is acceptable.

Planning conditions have been recommended to ensure the 'principles' set as part of the application are followed through the detailed design and construction phase of the development. These conditions are pre-commencement conditions. In addition, a verification report has been conditioned. This requires the applicant to demonstrate that the surface water drainage system has been constructed as designed, with any minor amendments picked up. In addition, a new informative will also be added to the permission which states that 'as part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions'.

Given all of the above, and on the basis of the specialist advice received, officers do not consider that the proposal would result in any increased risk of flooding to the site or the surrounds and therefore, the proposal is considered to be compliant with saved policy G1 and the relevant provisions of the NPPF.

Sustainable energy

Policy D2 of the LPSS states that new buildings must achieve a reduction in carbon emissions of at least 20 per cent and that this should be through the provision of appropriate renewable and low carbon energy technologies and the use of good quality building fabric. It is noted that policy D2 requires major developments to include a sustainability assessment to set out how the requirements of the policy are being addressed.

The applicant has not submitted a Sustainability and Energy Statement with the application. While this is regrettable, the applicant has agreed to a condition which requires the submission of such a statement early in the construction phase which demonstrates that a 20% reduction in carbon emissions is being achieved and how this it is being secured.

Open space provision

Saved policy R2 states that new large scale residential developments will require new recreational open space according to the following standards:

- 1.6ha of formal playing field space per 1,000 people;
- 0.8ha of children's play space per 1,000 people; and
- 0.4ha of amenity space per 1,000 people.

The proposed development is not of a sufficient size to deliver formal playing field space. In terms of children's playspace, it is noted that the applicant has agreed to provide a contribution of £86,008.24 towards the provision or improvement of a children's playspace in the vicinity of the site. This is deemed to be acceptable to mitigate the impacts of the development in this regard and it will ensure that an appropriate facility is available for residents of the site to use.

In terms of amenity space, a total area of 0.077 hectares of land is required. As noted above, the buffer between the proposed dwellings and Ash Manor is within the application site and this would be the main amenity space for future residents. It is noted that this space has a total area of approximately 0.08 hectares in size, which meets the Council's requirements.

An indicative landscape strategy has been submitted by the applicant which illustrates how the open space between the development and Ash Manor could be laid out and designed. The submitted landscape strategy will not be an approved drawing and the final landscaping will still need to be agreed through condition seven. It is noted that concerns have been raised that the landscape strategy includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of residents from dog walking etc, a condition is suggested to ensure that the boundary between the residences and the open space area is adequate to act as a buffer.

The proposal is deemed to be acceptable in this regard.

Impact on ecology

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

The Phase 1 habitat survey which has been undertaken has established that the site is dominated by habitats of negligible to low ecological value. The loss of these habitats is therefore of low significance, whilst habitats of elevated value (namely hedgerows) are largely retained, aside from short sections to allow for site access. Faunal species are not considered to present any significant constraints to development of the site, although a number of mitigation measures are proposed, which will help to protect bats, Great Crested Newt, reptiles and small mammals, such as Hedgehog.

Apart from concerns about a veteran tree on the site and issues regarding biodiversity net gains (which will be discussed below), Surrey Wildlife Trust raise no objections to the proposal. This is subject to a number of conditions which require the submission of a lighting strategy for the site, a precautionary working method statement for Great Crested Newts and other measures to protect bats and reptiles.

Veteran Tree

As regards the Oak tree (T67 on the applicant's tree survey), SWT note that due to its age and condition it should be classed as a veteran tree. The NPPF attempts to define what is considered an ancient or veteran tree and it states 'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage'.

SWT note that the tree offers 'exceptional biodiversity value'. It should be noted that SWT did not raise this matter as a concern as part of their assessment of the previous application made on the site (17/P/00513 refers), even though the tree was in a similar condition. SWT note that the girth of a tree alone is not a reliable way to class a veteran tree and that other characteristics are also relevant, including crown die back, dead wood and lost bark. It is noted that were T67 to be classified as a veteran tree, paragraph 175(d) of the NPPF would apply which states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'.

This issue formed a ground of challenge in the judicial review, it being argued that the Council failed to have regard to SWT's advice that T67 was a veteran tree, and acted irrationally by not following that advice. The Court rejected this argument, concluding that the Council were entitled to prefer the views of its Tree Officer and the applicant's Arboriculturalist to that of SWT. The Judge also concluded that the Council were entitled to take into account that the tree was likely to fall in the near future because of decay, and that this represented a health and safety risk.

The Council's Tree Officer has assessed the tree in question, including in person at a number of site visits. T67 can be certainly be described as an 'over-mature' Oak tree in terminal decline...It is unquestionable that the tree has characteristics applicable of veteran trees (deadwood, decay, habitat spaces fungal brackets) but the size-girth of the tree is not considered large for the species'. The Tree Officer has also commented that 'it is important to attempt to establish a basis for defining trees as veteran as opposed to trees which may have veteran characteristics or those that are mature. It is likely to be unachievable to produce a universally accepted definition for ancient and veteran. Stem size is of particular importance and in combination with size, so are the characteristics of the tree. The most up to date guidance (2013) is that found in *Ancient and other veteran trees: further guidance on management* edited by David Lonsdale and published by the Tree Council in conjunction with The Ancient Tree Forum. This guidance considers that many trees may have veteran characteristics at any age, but at species level, size thresholds determine when a tree may be considered a veteran. It is noted that an Oak tree with a girth of four metres is regarded as a 'notable' specimen rather than an ancient or veteran."

Officers consider that the relative stem size of a tree as compared to other trees of the same species is a relevant consideration which considering whether a tree is veteran or not, given that the NPPF definition of confirms that veteran trees are “old relative to other trees of the same species”.

The applicant’s ecologist, who has also visited the site and inspected the tree in question is of the same opinion as the Council’s Tree Officer.

While not directly relevant to whether T67 is veteran or not the condition of the tree should also be borne in mind. It is noted that T67 has very significant crown dieback and the majority of the crown is dead. The only evidence the tree is still ‘living’ is the epicormic growth at three to four metres above ground level. There is significant basal decay around the entire circumference of the tree, to such a level that the main stem is highly likely to fail and therefore presents a health and safety risk. With the tree located in the centre of the field used for grazing, soil compact over many years will have resulted in the decline and death of the main rooting structure. Waterlogging of the soil has also impacted on the tree. In centre of site, it is simply not viable to attempt to retain and manage, as this would need extensive fencing etc to keep people away and the likelihood, in the near future, the tree will structurally fail. In this scenario, the proposal to fell and retain much of the tree on site as ‘managed’ deadwood is the most appropriate action and will ensure the tree continues to be of biodiversity value to the site. It is noted that the applicant has agreed that once the tree is felled, it will be used to create a biodiversity feature in the open space area to the north of the site. This will become a habitat for reptiles and other invertebrates and will in time help to improve the biodiversity of the site. It is noted that how the tree is to be re-used is controlled by condition 32, which is the same condition agreed by the Planning Committee in December 2019. The applicant has confirmed that they are open to including an element of seating or other facility within the design of the biodiversity feature. The condition requires the applicant to provide exact details of how and where the tree will be re-used before the tree is felled. If the information submitted to discharge the condition is not acceptable, the Local Planning Authority has the ability to refuse the application.

It is certainly regrettable that T67 needs to be felled and it is noted that it does have biodiversity value. While this is a harm caused by the development, it does need to be balanced against the fact that the felled tree is to be used elsewhere on the site as a biodiversity feature, and its condition. This matter will be considered in the balance below. However, for the reasons noted above, T67 is not considered to be a veteran and as such, paragraph 175 of the NPPF is not considered to be relevant.

Net gain

As regards biodiversity SWT have noted as part of the duplicate application that ‘the Council should require the applicant to provide an appropriately detailed document to demonstrate that a measurable net gain, secure for the life time of the development, will be achieved. This document should be submitted to the Council for approval in writing prior to determination of this application’. Following the receipt of further information from the applicant, SWT noted that ‘the updated ecological report dated March 2021 makes reference to biodiversity net gain / net loss within paragraphs 3.3.13 to 3.3.17 inclusive. While I accept the applicant’s comments that a mandatory requirement to demonstrate net gain is not yet enshrined in statute, the NPPF does require development to result in no net loss.

However, these paragraphs do not present a quantified evaluation of losses and compensation provided and therefore do not provide clarity to the Council that the development will not result in a net loss of biodiversity as a result of development. The applicant has not demonstrated that the development as proposed is in line with the obligations of the NPPF'.

On this point it is noted that policy ID4(2) of the Local Plan states that 'new development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA's objectives...'. At paragraph 170 the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' Although SWT also point to paragraph 174 of the NPPF which requires the promotion of 'the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity', this paragraph specifically relates to plans and not decision taking on planning applications. It is acknowledged that the forthcoming Environment Bill is likely to bring in a mandatory requirement for biodiversity net gains to be calculated using a Net Gain Assessment (using a formal biodiversity metric), however, these measures have not been introduced, and will only take effect after an introductory phase, to allow time for local policy to incorporate these requirements.

As such, neither the Local Plan or the NPPF set out a requirement for *measurable* net gains for biodiversity to be demonstrated. Although this is the case, the applicant has set out a range of ecological enhancements which would flow from the proposed scheme. These include the creation of new habitats from the re-use of the Oak tree as an ecological feature on the northern area of open space; the planting of new native trees, shrubs and hedgerow; the creation of a wildflower grassland which will include bulb planting; new marginal planting around the pond that will enhance the existing aquatic vegetation; the provision of bat and bird nesting boxes throughout the development; and, to provide replacement opportunities for reptiles and amphibians at the site, a number of log or rubble piles are proposed.

The Local Planning Authority is satisfied that these measures will deliver gains in biodiversity in accordance with policy ID4(2) of the Local Plan. While the gains have not been quantified, there is currently no policy requirement to do so.

For all of the reasons noted above, the proposal is considered to be acceptable in ecology terms.

Impact on trees and vegetation

It is noted that all trees worthy of retention have been afforded protection either by the TPO 1 of 1972, TPO 4 of 1974 or the two recent TPOs, 6 and 7 of 2017.

The Council's Tree Officer notes that all trees which are of value are being retained as part of the proposal, including the Oak tree at the junction, which was proposed for removal as part of the previously withdrawn scheme. It is noted that an Oak tree which is protected by TPO 4 of 1974 is proposed for removal (T67 as already discussed above). This is a large tree which sits in the southern field and the Council's Tree Officer notes that the majority of its crown is dead. It is acknowledged that secondary crown is emerging on some stems, however, its long-term potential is considered to be low. The structural frailty of the tree has also already been discussed.

While the tree is a feature of the existing site, given its existing condition, in arboricultural terms, there are no objections to its removal.

Overall, the scheme integrates the existing trees on the site into the development in an acceptable manner. With a condition requiring the submission of an Arboricultural Method Statement prior to construction beginning, the proposal is deemed to be acceptable in this regard.

Impact on air quality

The Council's Environmental Health Officer noted that due to the scale of the proposal it is possible that an air quality assessment would be required.

The applicant has sought to address this point through the submission of an Air Quality Technical Note. The Technical Note considers whether emissions from the development would result in a significant deterioration in air quality during construction and once the development is operational.

In summary, the note states that 'for the construction phase of the proposed development, the key pollutant is dust. The IAQM Guidance states that with the effective implementation of appropriate controls and mitigation, the residual effects can normally be "not significant". Once operational, based on the predicted net change in traffic flows, the development is expected to have a 'negligible' impact on existing pollutant concentrations and the air quality effect is not considered to be significant. Concentrations at the Ash Manor site are expected to be well below the relevant health-based limit value/objective and therefore the site is considered suitable for its proposed residential use'.

The Environmental Health Officer has confirmed that the Technical Note satisfactorily addresses the issue and that no objections are raised. It is noted that all of the proposed dwellings would have access to a private electric vehicle charging point and that at the very least the apartments would have access to communal charging points. The promotion of electric vehicles will have a further impact on addressing air quality levels as a result of the development. This would be secured by condition.

On this basis the proposal is deemed to be acceptable in this regard.

Thames Basin Heaths SPA

The application site is located within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). 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 site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 73 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Greenspace (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

The applicant is the developer of a recently delivered SANG in the immediate area (Ash Green Meadows) and space has already been reserved at that SANG as mitigation for this proposal. Given this, it is considered reasonable to impose a Grampian style planning condition to prevent development commencing until such time that the Council has agreed in writing that the required mitigation has been delivered (i.e. that the amount of SANG required to mitigate this proposal has been transferred to the Land Trust who manage and run Ash Green Meadows). This arrangement has already been agreed with Natural England in the past and is considered appropriate for this application also.

If the above mitigation was secured by way of a s.106 agreement, as well as the use of a suitably worded Grampian condition, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has been completed by the Local Planning Authority in February 2021 and it has been agreed with Natural England.

Planning contributions and legal tests

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

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

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

Thames Basin Heaths SPA

The development is required to mitigate its impact on the TBHSPA and this would be secured through a legal agreement (SMM payment only). This would accord with the TBHSPA Avoidance Strategy SPD 2017. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Affordable housing

The requirement for affordable housing has been set out above. The legal agreement would secure the provision of the number of affordable units, as well as their tenure and mix, so that the proposal is compliant with local and national policies. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Education

The development is likely to place additional pressure on school places in the area at early years, primary and secondary level. The development should mitigate these impacts. Surrey County Council as the Education Authority has provided a list of projects which contributions would be allocated to and these are considered to be reasonable and directly related to the development. For the early years and primary school contributions the County Council plan improvements and extensions to Ash Grange Primary School and the secondary school contribution would be used to partly fund the extension of Ash Manor School. The total education contribution agreed with the applicant is £514,152. As such, these contributions are required to mitigate the impact of the proposal on the local education system.

Play space

It is noted that the development does not include its own children's playspace. It is unlikely that sufficient space could be found for one on the site, as it is hoped that the open space areas provided for residents are kept free from permanent development and as natural as possible to protect the setting of Ash Manor. As the proposal will increase the pressure on existing children's playspaces in the area it is considered reasonable to require a contribution to mitigate this impact. Based on the playspace tariffs set out in the Council's Planning Contributions SPD, a contribution of £86,008.24 has been agreed.

Health care

The proposal will have an effect on the demand for primary health care services in the area. The NHS (through North East Hampshire and Farnham CCG), note that taking into account the increase in population and the additional demand generated by the development, they will need to expand nearby GP facilities. A contribution of £47,403 has been requested which is deemed to be a proportionate and reasonable request. The CCG have also indicated that the specific site / project to which this contribution would be allocated, is The Border Practice Medical Centre. Whilst it is noted that the site is not currently within the catchment area boundary of The Border Practice Medical Centre (but only a little way outside), the CCG have confirmed that this will be changed by the Practice and the CCG (via application and approval) following any grant of permission for the development, and that the occupiers of the development site will then be eligible / able to sign up to Border Practice as their local GP.

Notwithstanding the above, it is acknowledged that the healthcare contribution secured by this development may also be used for other GP practices in the local area if an appropriate case can be demonstrated. This could include the provision of a GP practice on the Ash Lodge Drive development.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Policing

The proposal as a whole has the potential to increase pressures on existing policing resources in the area. Surrey Police note that the application site is currently a greenfield site which when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them.

The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development.

The Police note that their request for a contribution of £14,201.28 is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. They note that it is necessary to secure section 106 contributions for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Surrey Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing. They note that securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising front line services. The consequence of no funding is that existing infrastructure will eventually become stretched, and the communities may not receive adequate policing.

The contribution will be used towards the capital costs associated with employing additional staff, as well as those towards fleet provision and accommodation at Guildford police station.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Highways

To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution of £8,000 has been secured towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. A further contribution of £86,500 is requested towards highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. These could include works to Harpers Bridge, the A31/White Lane and the public right of way network.

Guildford Borough Council have requested a contribution to improvements at Ash level crossing. The development would result in additional traffic crossing the railway, as well as pressures on the surrounding roads in relation to rat running, and contributions are required to improve highway safety and capacity around the crossing. On this basis, the contributions are directly related to the development and could be used for the new road bridge to enable the closure of the level crossing at Ash station. This contribution has been set at £730,000.

In addition the applicant has offered to provide a contribution (which is the same as that secured for 18/P/02308 (£50,000)) towards cycle and pedestrian improvements over the disused railway line at White Lane. This may include the provision of a new pedestrian / cycle bridge in the immediate area. This work and contribution would help to improve the pedestrian and cycle infrastructure in the area.

These measures all help to mitigate the impact of the proposal on the surrounding highway network and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Public art

The Council's recently published Public Art Strategy notes a desire to improve public art across the borough. This is further supported in the Council's Planning Contributions SPED which notes that public art can be secured as part of the development process. It is noted that there are still a number of sites to come forward as part of the A31 allocation and it is the intention to combine a number of contributions together to provide a piece or pieces of public art in the wider vicinity. A contribution of £25,000 has been agreed with the applicant. This obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Public benefits and balancing exercise

As noted above, paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. It should also be remembered that section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The report has concluded that the development and its associated works would result in less than substantial harm to the Ash Manor complex which includes Grade II* and II listed buildings. When the cumulative development around Ash Manor is taken into account, the Council's Conservation Officer considers that the level of harm would be in the low to middle range of the 'less than substantial' scale. It is however re-emphasised that any harm to a designated heritage asset must be given considerable importance and weight in the assessment. This includes when the balance in paragraph 196 of the NPPF is applied.

Paragraph 196 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Guidance in the form of the Historic Environment PPG explains the concept of 'public benefit' stating that 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit'. It is acknowledged that the proposal does result in a number of public benefits and these will be set out and discussed below:

- the proposal would deliver a total of 73 dwellings in a mix which is generally compliant with the SHMA. Following discussions between Officers and the applicant, a one year permission has again been agreed which will ensure that dwellings are delivered early in the plan period, where there is projected to be significant demand for additional homes. The early provision of such a sizeable number of dwellings with an optimum mix is deemed to be a public benefit of the proposal.
- of the 73 dwellings, 29 would be affordable properties. While it is acknowledged that this what policy requires, nevertheless, the provision of a large number of affordable dwellings with an acceptable mix, in a borough where there is significant demand for such properties is deemed to be a public benefit of the proposal.
- it is noted that a number of residents have raised concerns about highway safety in the area. As part of the application, the applicant has agreed to implement and fund a range of measures which will help to improve highway safety. These include the reduction of the speed limit along Foreman Road from 40mph to 30mph, the provision of traffic calming measures and the installation of higher grip surfacing approaching the existing junction. These measures will help to improve highway safety in the area, not only for future residents of the development but also for other road users.
- the proposal would also enhance the existing pedestrian and cycle connections in the locality, particularly the link to Drovers Way and the provision of new pedestrian pavements so as the railway station can be reached safely on foot.
- the buffer which is being created to the south and east of Ash Manor will be a new public amenity space for future and existing residents of the area. This open space area would be natural in its appearance and would improve the ecological value of this part of the site, which is currently in use as pasture for horses. The applicant has also committed to planting new native hedgerows on the site and installing a range of ecological features including bat boxes. The proposal would therefore improve the ecological value of this part of the site and improve open space provision for the existing community.
- the applicant has agreed to a wide range of contributions which will help to improve community facilities in the area including playspace, education, healthcare and policing. While it is acknowledged that these contributions are required to mitigate the impacts of the development, nonetheless they will result in public benefits.

Overall, the public benefits of the proposal are wide ranging and significant. The delivery of this part of the allocated site will provide both the market and affordable homes which are identified through the Local Plan and will result in improvements to highway safety, ecology and the existing community facilities.

The adverse impacts on the heritage assets, in particular to the Grade II* listed building, are recognised and are given great weight and considerable importance. Although great weight and considerable importance has been afforded to the heritage harm, including the increased weight for the Grade II* listed asset, it is considered that the scale of the public benefits which will be gained from the proposal are sufficient in this instance to outweigh the identified heritage harm.

As the impact of the development on the significance of heritage assets and their settings has been considered in accordance with case law, legislation and the NPPF and deemed to be acceptable when factoring in the public benefits, the proposal is also considered to be compliant with the requirements of policy D3 of the LPSS.

Final balancing exercise

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'. This is itself an important material consideration. The proposed development forms part of allocated site A31 and is important for helping to deliver the housing identified in the plan in this area. Overall, and taken as a whole, the proposal is considered to accord with the development plan. Therefore, the presumption is that the application should be approved without delay.

Notwithstanding this, it is noted that the harm identified above must be considered and balanced against the benefits of the proposal. As already set out above, paragraph 196 of the NPPF requires a balance of the heritage harm against the public benefits of the scheme. That balance has been carried out above, and the conclusion that has been reached is that the public benefits of the scheme outweigh the heritage harm, even taking account of the great weight and considerable importance afforded to the heritage harm. However, the other harms resulting from the proposal must also be assessed, together with the heritage harm, and these should also be balanced against the benefits of the proposal. This final balancing exercise will be carried out below.

In assessing the weight to be afforded to harms / benefits, officers have applied a scale which attributes moderate, significant, or substantial weight to each identified harm / benefit. Having attributed such weight, an overall judgement is then required regarding the balance of harm vs benefit.

In terms of harms, as noted above, the less than substantial harm (in the low-to-middle range) which would be caused to designated heritage assets carries **substantial (great) weight** in the planning balance. The reasons for this are already set out above. The only other harm to be identified is as a result of the loss of T67 and the resulting impact on the biodiversity of the site. While it is regrettable that T67 is to be removed, it is noted that the other improvements being made to the site, would partly offset its loss and the remains of the tree will be re-used on the site as an ecological feature following its felling. Given this, and the current health and condition of the tree, this matter is afforded **moderate weight** in the balance.

In terms of the benefits of the proposal, these have already been set out above. The provision of 73 market and affordable dwellings, in a mix which is deemed to be acceptable, is a sizeable contribution to the housing supply of the area. **Substantial weight** is afforded to this benefit. The proposal will also result in the provision of a large area of open space on the site which will be accessible to both existing and future residents of the area. The open space will incorporate the pond and will feature paths and the remains of the TPO tree which will act as an ecological feature.

This area of open space will become an asset for the community and **significant weight** is afforded to this benefit. The proposal would help to improve highway safety in the area, which has been raised as a concern by local residents. **Moderate weight** is afforded to this matter. The proposal would also result in the improvement of pedestrian cycle connectivity in the area. A new footpath through the development would provide a safe and accessible route from Drovers Way to Foreman Road and from here users will be able to reach Ash railway station. **Moderate weight** is afforded to this benefit of the proposal. While the proposal would lead to the loss of the T67, the development includes opportunities for the ecological enhancement of the site. The felled tree would be re-used on the site to provide for new wildlife habitat and as well as this there would be new native tree and hedgerow planting and the provision of bat boxes on the site. Compared to the existing situation where the site has been used as a horse paddock, the proposal would improve the ecological value of the site. **Moderate weight** is afforded to this benefit. Finally, while it is acknowledged that the contributions secured through this proposal are required to make the proposal acceptable in planning terms, they do nonetheless result in wider public benefits. The contributions will help to improve local facilities and will also assist in the delivery of the new road bridge to remove the level crossing at Ash station. **Moderate weight** is afforded to this matter.

The benefits of the proposal are wide ranging and long lasting. The main harm resulting from the proposal is to the heritage assets. However, as noted above, this is outweighed by the public benefits of the proposal. The other harm is the loss of the existing TPO tree and the ecological and biodiversity value that it has. Overall, it is considered that the benefits associated with the proposal do outweigh the identified harm, including harm to designated heritage assets. The proposal accords with the development plan read as a whole and other material considerations do not weigh against the grant of planning permission. As such, the proposal is deemed to be acceptable and is therefore recommended for approval.

Conclusion

This is an allocated site which now forms part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The cumulative harm from other applications has also been considered. The harm has been identified as being at the lower to middle end of less than substantial. An assessment has been carried out which concludes that, taking all relevant matters into account, the identified heritage harm (which is afforded great weight) is outweighed by the numerous public benefits which are generated by the proposal.

The proposal would not result in any material harm to the character of the area. A landscaped buffer would be maintained along the southern boundary and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. It is considered that the applicant has struck a reasonable balance between providing a gap to prevent coalescence whilst still ensuring that the site delivers the housing units which are required through the allocation.

The application would provide a net gain of 73 residential units, which would be in accordance with housing delivery commitments in the LPSS. This includes the provision of 29 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The mix of proposed market housing has also been improved during the course of the application.

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

Therefore, the proposal is deemed to be compliant with the Development Plan and subject to the conditions and s.106 agreement securing the contributions set out above, the application is deemed to be acceptable and is recommended for approval.