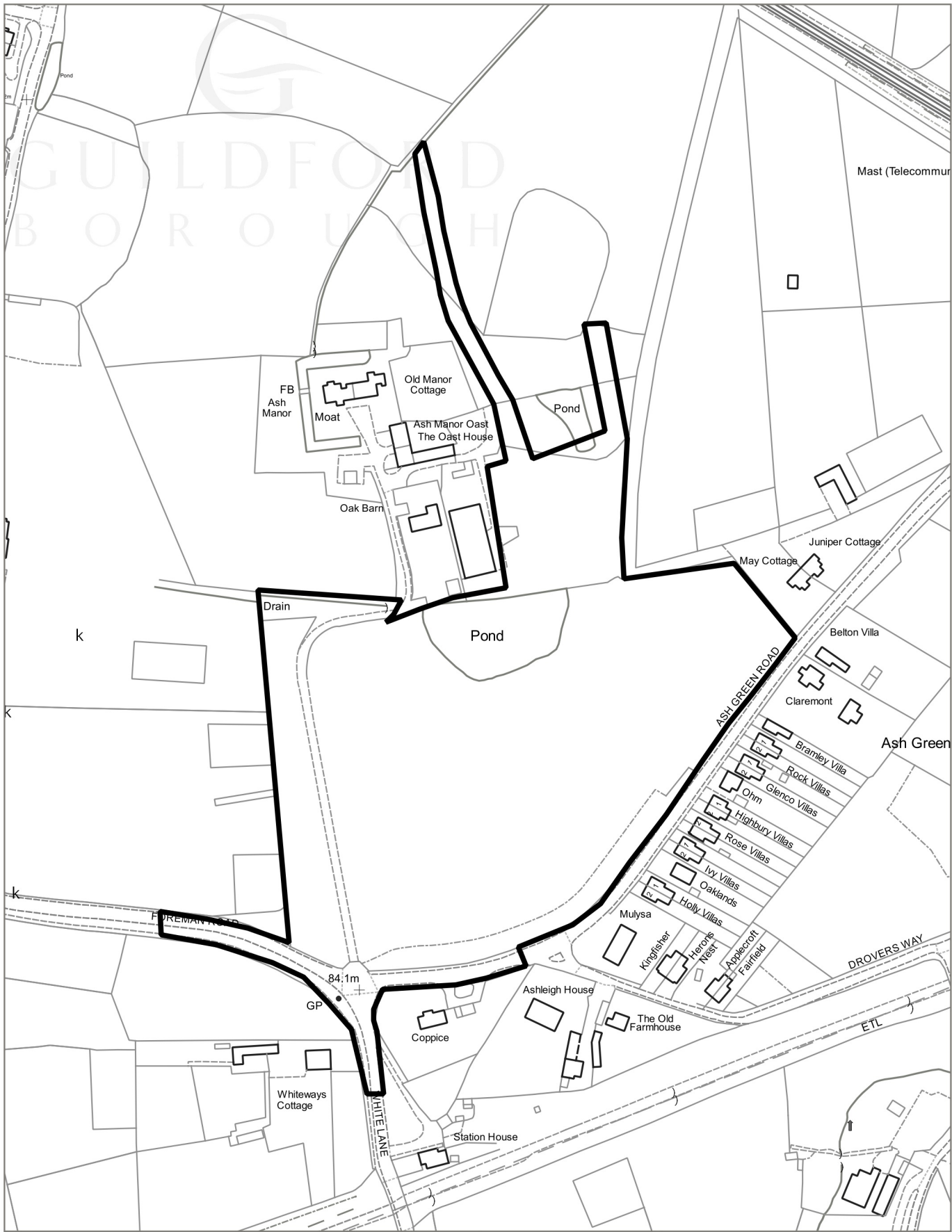


20/P/01461 - Land At Ash Manor, Ash Green Road, Ash, Guildford



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Print Date: 25/08/2021



Not to Scale



GUILD FORD  
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**App No:** 20/P/01461  
**Appn Type:** Full Application  
**Case Officer:** John Busher

**8 Wk Deadline:** 17/12/2020

**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 A. Morris  
Bewley Homes Ltd  
c/o Agent

**Location:** Land at Ash Manor, Ash Green Road, Ash, Guildford, GU12 6HH  
**Proposal:** Erection of 69 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.

### **Executive Summary**

Members should note that this application is the subject of a non-determination appeal and as such, the decision on this proposal will be taken by the Secretary of State through the Planning Inspectorate. The appeal was formally submitted by the appellant on 19 April 2021 with a start date of 17 May 2021. The appeal will be heard by way of a Public Inquiry and is scheduled to start in January 2022 and is currently programmed for 14 days.

On 19 July 2021 the planning inspector appointed to hear the appeal confirmed that she would accept a proposed amendment to the appeal scheme (and associated amended plans) to reduce the scheme from 73 to 69 dwellings and alter the proposed layout. The amendment was promoted by the appellant in order to retain tree T67, which is now considered to be veteran tree.

Members will be aware that the appeal scheme is identical to an application for this site - application 18/P/02456 - which appears as a separate item on this agenda with a recommendation to approve subject to conditions and the completion of a s106 agreement.

Had the Council retained the right to determine this application, the recommendation would also have been to approve it subject to the conditions set out above and the completion of a s106 agreement. The reasons for that recommendation are set out in detail in the report for application 18/P/02456, and summarised briefly below.

### **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 69 dwellings on the site, of which 28 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 69 residential units, which would be in accordance with housing delivery commitments in the adopted Local Plan 2019. This includes the provision of 28 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The proposal would also retain T67 which is a veteran tree and this would result in its longer term proper management and maintenance.

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.

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

**RECOMMENDATION:**

(i) That in the event that the Council could have determined this application the decision would have been to approve subject to the conditions set out in this report and the completion of a S106 agreement to secure:

- the delivery of 28 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; 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 the decision taken by the Planning Committee shall be used by the Local Planning Authority to formalise its appeal Statement of Case.

**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:

SL.02 P1  
FB-A.pe E  
FB-B.E REV D  
HT.AVI.E REV B  
HT.CHI.E REV C  
HT.CRA.E REV B  
HT.EVE-SEM.E REV B  
HT.GOD.E REV D

HT.LON.E REV C  
HT.MAL.E REV D  
HT.MAR.E REV B  
HT.RIP.E REV C  
HT.SHA.E REV B  
HT.WIT.E REV B  
P15-16\_45-46.E REV B  
P21-22\_35-36\_57-58.E REV C  
P32-33.E REV B  
P37-38.E REV B  
FB-B.P REV C  
HT.AVI.P REV B  
HT.CHI.P REV C  
HT.CRA.P REV B  
HT.EVE-SEM.P REV B  
HT.GOD.P REV D  
HT.LON.P REV C  
HT.MAL.P REV D  
HT.MAR.P REV B  
HT.RIP.P REV C  
HT.SHA.P REV B  
HT.WIT.P REV B  
P15-16\_45-46.P REV B  
P21-22\_35-36\_57-58.P REV C  
P32-33.P REV B  
P37-38.P REV B  
LP.01 REV A

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 first occupation of the 69th 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 22;
- c) a timetable for the implementation of the proposed landscaping scheme (which shall include the scenario where the existing hedge along Ash Green Road is removed after the discharge of this condition)..

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 with 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 in accordance with the Council's Supplementary Planning Document 'Climate Change, Sustainable Design, Construction and Energy' 2020.

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 Document 'Climate Change, Sustainable Design, Construction and Energy' 2020.

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. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority that demonstrates how waste generated from construction and excavation activities would be dealt with in accordance with the waste hierarchy. The Site Waste Management Plan will subsequently be kept up-to-date throughout the development process in accordance with established methodology.

Reason: To ensure that the development takes waste hierarchy into account to manage waste. It is considered necessary for this to be a pre-commencement condition because waste will begin to be generated as soon as any development commences on the site.

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved 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.

17. 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.

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 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.

20. 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.02 P2, 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.

21. The development hereby approved shall not be occupied unless and until all of the dwellings and at least 20% of the available parking spaces for flats/apartments are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Once implemented the electric vehicle charging points shall be retained and maintained for their designated purposes.

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

22. 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.

23. 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.

24. 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 41) 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 SL02 P2) prior to the occupation of the 30th 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.

25. Before the development hereby approved is first occupied a Refuse Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and made available for use prior to the first occupation of the development and shall thereafter 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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 three 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.

32. 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.

33. Before the commencement of the development hereby approved, a Management and Maintenance Plan for T67 and its buffer shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall cover a period of at least 25 years and as well as setting out the future management and maintenance of T67 and its buffer, the plan shall also include details of:

- the buffer around the tree;
- how the buffer will be fenced;
- how the buffer will be landscaped and planted or otherwise treated;
- public access into the buffer (if any) and details of information and interpretation boards relating to the tree (setting out its value including in biodiversity terms);
- details of how T67 will be specifically protected before and during construction' and
- a timetable for the phasing of any of the initial physical works.

The approved plan shall be complied with in full and implemented in accordance with the timetable. The physical works shall remain in place in good working order in perpetuity.

Reason: To protect T67 and its value to the local area and biodiversity. This is a pre-commencement condition as the protection of T67 needs to be in place before construction works begin on the site.

34. Before the commencement of the development hereby approved, a landscaping scheme for the area around and adjacent to the pond shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of how the perimeter of the pond will retain a natural and rural appearance and will provide particulars for the type of plants, any fencing proposed, how the pond will appear in the landscape and a maintenance and management strategy. The approved scheme shall be implemented in full before the first occupation of the development and shall be retained and maintained thereafter in accordance with the maintenance and management strategy.

Reason: To ensure that the pond will be finished in a manner which is in keeping with its surrounds. This is required to be a pre-commencement condition as these details will need to be agreed before any works take place to the pond or the area around it.

**Informatives:**

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

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

In this case pre-application advice was 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.

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](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://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](http://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](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme)

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://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](http://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.

### **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**

As noted above, the proposal has been recently amended to retain the existing T67, with a buffer around its perimeter. As a consequence of this, the number of units has been reduced to 69. The layout has also been amended which would see the spine road now curve around T67, with the dwellings set around it and the proposed buffer. Also proposed is the 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 and around T67, with dwellings positioned on either side. Around the perimeter of T67 there is proposed to be a buffer which would incorporate the spread of the trees crown. 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 143 on-site parking spaces are proposed which equates to approximately two spaces per dwelling. The applicant has agreed to provide a total of 28 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 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. As noted above, the TPO tree in the middle of the site (T67) would be retained as part of this proposal and incorporated into the layout.

<b>Proposed Mix</b>					
	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+-bed</b>	<b>Total</b>
<b>Total dwellings</b>	<b>11</b>	<b>21</b>	<b>22</b>	<b>15</b>	<b>69</b>
<b>Of which...</b>					
<b>Houses</b>	0	18	22	15	55
<b>Apartments</b>	11	3	0	0	14
<b>Affordable</b>	11	10	6	1	28

It is noted that this application is now the subject of a non-determination appeal and as such, the decision on this proposal will be taken by the Secretary of State through the Planning Inspectorate.

The appeal was formally submitted by the appellant on 19 April 2021 with a start date of 17 May 2021. The appeal will be heard by way of a Public Inquiry and is scheduled to start in January 2022 and is currently programmed for 14 days.

This report sets out what the Local Planning Authority's decision would have been, had it been in a position to determine the application.

### **Relevant planning history**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
18/P/02456	Erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking on this agenda and secure cycle storage, on site open space, landscape and ecology management and servicing.	Pending - Report set out elsewhere	N/A

17/P/00513	Full detailed planning application for Non the erection of 95 dwellings with Determination associated vehicular and pedestrian 09/10/2017 access from Ash Green Road, parking and secure cycle storage, on-site open space, landscape and ecology management and, servicing.	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

While this is a stand-alone application which needs to be considered on its own individual merits, where comments made on 18/P/02456 are also relevant to this proposal they will also be summarised for completeness. It is noted that following the submission of the amended plans to retain T67, the Council undertook a full 21-day re-consultation. The comments below reflect the latest position.

### 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.

Natural England: No objections raised, subject to the development complying with the adopted Thames Basin Heaths SPA SPD.

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 (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 are discussed in the report for 18/P/02456 which is reported elsewhere in this agenda. The comments and responses can be read in full on the Council's website. The LLFA have also confirmed that no objections are raised to the proposed changes to the scheme which retain T67].

County Archaeologist, Surrey County Council: The County Archaeologist has not commented on this application. However, comments made on 18/P/02456 note that there are 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 changes resulting from retaining T67 have no impact on the comments noted above].

Historic England: Historic England (HE) considers that the scheme will cause some harm to designated heritage assets, and advises that paragraphs 190, 194 and 196 [now paragraphs 195, 200 and 202] of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits of the proposal outweigh what we assess to be less-than-substantial harm. have reviewed three iterations of the proposed development. It is also 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'. [Officer Note: 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. The SuDS scheme has been considered by the LLFA and no objections have been raised, subject to conditions. As such, Officers consider that the issues raised by Historic England concerning the pond will be addressed].

For application 18/P/02456 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. On the cumulative impacts on Ash Manor from this and other developments, 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.

Specifically regarding the changes resulting from the retention of T67 HE have stated that 'on the basis of the amendments provided, we do not wish to offer any additional comments, but refer you to our previous correspondence in consideration of these applications'. These comments have already been summarised in the preceding two paragraphs.

#### 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 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. 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 (including to the amended plans which include the retention of T67).

#### Non-statutory consultees

Thames Water: Thames Water (TW) has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. [Officer Note: It is noted that TW have provided a more recent response to 18/P/02456 which does not raise any issues with capacity in the network and no objections are raised. It is suggested that this later comment will be used for basing a decision on].

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 £16,079.86 as mitigation, which is being secured through the legal agreement.

Designing Out Crime Officer, Surrey Police: No objections raised. Should the application be approved, request that a condition is made requiring it to achieve a Secure By Design Gold or Silver Accreditation.

North East Hants and Farnham Clinical Commissioning Group (CCG): The CCG did not respond to this consultation. However, as part of application 18/P/02456 they noted 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.

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. SWT also state that they welcome the amendment to site layout and retention of T67. It is advised that the Council should satisfy itself that appropriate open space / buffer zone of semi-natural habitat is present and protected from future development immediately adjacent to veteran tree T67.

Appropriate protection for the tree and management of this open space / buffer zone habitat should be included within landscape and ecological management proposals.

Hampshire County Council: No response received. No objections were raised to application 18/P/02456.

Network Rail: No objections raised.

### Parish Councils

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

- 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 flattened 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;
- although desktop archaeological survey undertaken it has been requested that if the LPA is minded to approve the application that a full survey be undertaken before commencement of any development. Potential presence of Roman road on site;
- possible flooding issues;
- cumulative effect of developments in area both proposed and approved on all existing infrastructure including sewerage system;
- the bus service is inadequate and not sustainable;
- there is history of accidents on dangerous bend and unsighted corner;
- width of all adjacent roads inadequate for increase in vehicle movements;
- concerns about the effect that the increased vehicle movements will have in the two weak bridges in immediate area;
- concern about parking provision; and
- concern that the proposed main access to the site may be inadequate for development of this size; and long term effect on the development should the adjacent proposal for 100 houses off Ash Green Road be approved as possibility that access to this other site be achieved via the Ash Manor development. Potential safety issues both for residents of both developments and the access onto Foreman Road.

### Amenity groups/Residents associations

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

- concerns regarding the submission documents and whether they reflect the changes to local and national policy and whether they are accurate. It is also noted that the application documents are a simple re-presentation of the documents from the previous applications, 18/P/02456 and 17/P/00513 (withdrawn at appeal). As such they fail to reflect amendments made during the application process for either of the earlier applications or the subsequent amendments from the conditions discharge applications. This makes it difficult for any consultee or interested party to know exactly what the developers are proposing;
- 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: This issue will be discussed in detail below]
- 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.

Ash Green Residents Association have made the following comments on 18/P/02456:

- 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;
- 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 in the report for 18/P/02456 which is reported elsewhere in this agenda].



Ash Green Residents Association have provided further comments in objection to the proposal on matters relating to heritage harm, ecology and drainage. It is further noted that AGRA submitted two additional documents directly to Planning Committee Members, including 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.

These five documents in total will be briefly summarised below and where necessary the comments will be discussed in greater detail in the main body of the report.

#### 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.

#### 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: This will be discussed in greater detail below].
- the Ash Green Oak is not dead as claimed [Officer Note: 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. This is addressed in detail below.

#### 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 (reference 17/P/00513) 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 referred to are summarised above]; 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’

This document is an amalgamation of the three documents referred to above and many of the main points have already been summarised.

#### 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 will be provided below.

#### **Third party comment**

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

- cumulative impact from this and other developments in the area must be considered [Officer Comment: This issue is dealt with as part of the heritage assessment which can be found in the report for 18/P/02456 which is reported elsewhere in this agenda];
- object to the removal of the hedge [Officer Note: As set out in the assessment, this proposal does not result in the loss of the existing hedge being referred to];
- the existing pond is spring fed and could be impacted if water cannot naturally seep into the pond;
- the Oak tree is not dead and should not be removed through this proposal;
- density is unacceptable;
- inadequate infrastructure to cater for development;
- results in the merging of Ash and Ash Green;
- layout and character is unsympathetic to the surrounding area;
- proposal does not address the flaws identified by the Judicial Review;
- adverse impact on ecology and biodiversity;
- high water table in the area which may impact on drainage following more building;
- loss of privacy to surrounding residents and additional noise and disruption;
- highways infrastructure is inadequate to cater for the proposed development;
- highway safety and capacity concerns;
- adverse impact on the setting of the listed buildings;
- proposed design of dwellings not in keeping with the surroundings;
- newts have not been adequately investigated;
- impact on local views have been ignored;
- submission documents are incomplete and contradictory;
- draft s.106 agreement has not been published;
- girth of T67 has been measured incorrectly;
- there is an inadequate buffer to the listed buildings;
- proposed access in close proximity to existing Ash Manor access is dangerous;
- proposal results in the loss of a historic green space;
- cycle access is dangerous; and
- direct walking route to Ash Station is unsafe.

As part of the July 2021 re-consultation on the changes to the layout to incorporate T67, three further letters of objection were received. The points noted include:

- pond will impact on the setting of the listed buildings;
- impact on the structure and foundations of the listed buildings;
- protections should be put in place to allow T67 to thrive;
- who will be responsible for maintenance of area around the tree. Has there been any changes to lighting and drainage;
- number of four-bed properties has increased;
- concerns regarding impact on heritage assets;
- sufficient green buffer not provided. Noted that views to and from Ash Manor, including the approach from White Lane, must be protected; and
- duty to consider recently approved applications.

For application 18/P/02456 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 61 letters of objection have been received for application 18/P/02456. 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.

## **Planning policies**

### National Planning Policy Framework (NPPF):

It is acknowledged that the NPPF was amended in July 2021. Officers have considered the changes and do not believe that they alter the conclusions reached below.

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

This application has been appealed and is a duplicate application to planning proposal 18/P/02456, the Officer Report for which is also found on this agenda. To avoid unnecessary duplication Members are referred to the detailed planning considerations (which includes the updates and executive summary) as set out in the report referenced 18/P/02456.

## **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 69 residential units, which would be in accordance with housing delivery commitments in the LPSS. This includes the provision of 28 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. As noted above, the proposal now also includes the retention of T67 which is a veteran Oak and the development will secure its management and maintenance in perpetuity which is a significant improvement over its current lack of management.

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.

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