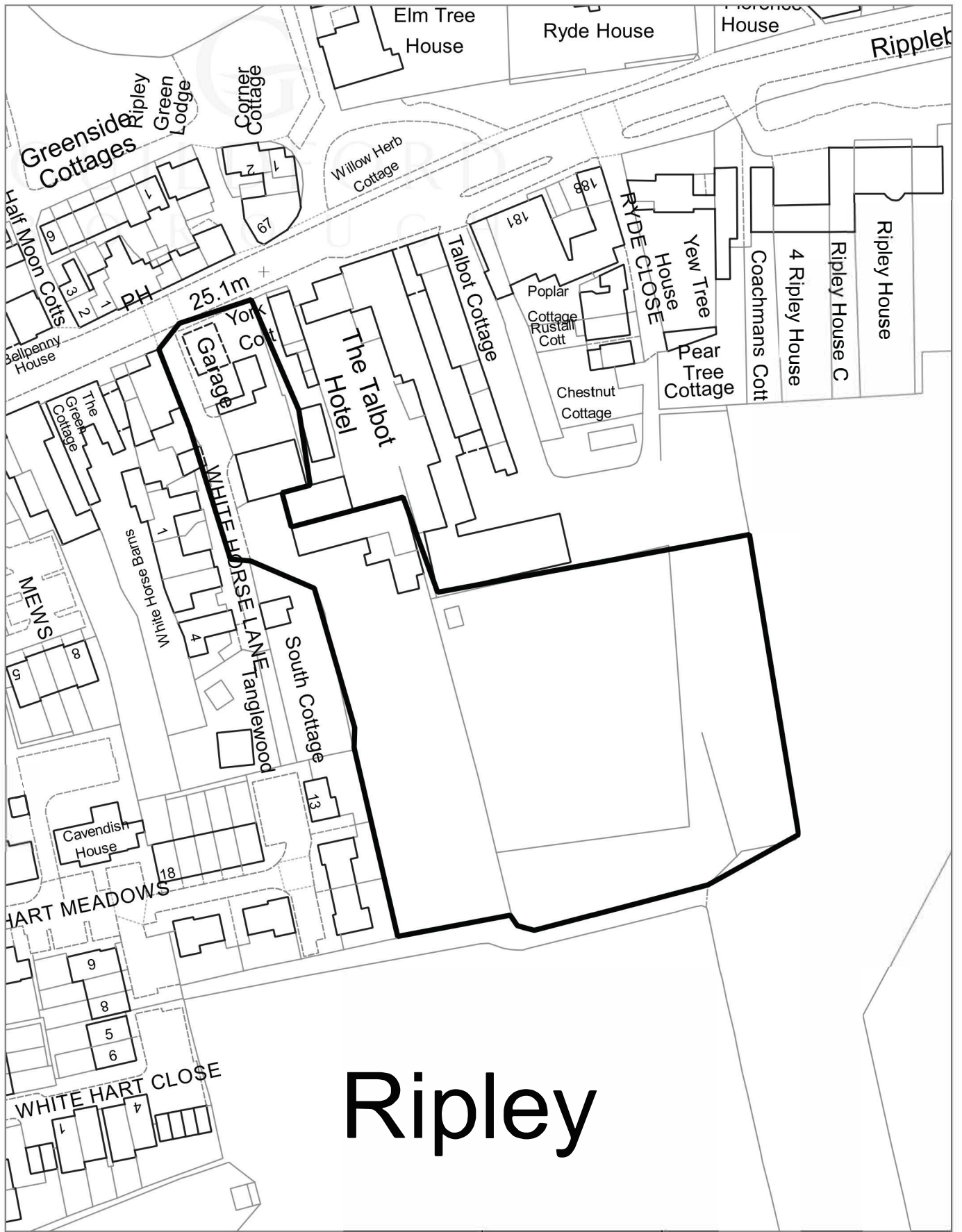


20/P/01057 - White Horse Yard, High Street, Ripley



Ripley

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Print Date: 11/02/2022



Not to Scale



GUILDFORD
BOROUGH

App No: 20/P/01057
Appn Type: Full Application
Case Officer: Jo Trask
Parish: Ripley
Agent :

8 Wk Deadline: 04/03/2022

Ward: Lovelace
Applicant: Mr M Hendy
Shanly Homes Limited
21 The Crescent
Leatherhead
KT22 8DY

Location: White Horse Yard, High Street, Ripley, GU23 6BB
Proposal: Erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings including the partial demolition of the listed curtilage wall.

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

26 homes
2 x 1 bed flats
11 x 2 bed (4 x 2 bed flats, 7 x 2 bed houses)
7 x 3 bed houses
6 x 4 bed houses

Parking

42 parking spaces are provided, this includes one visitor space
Secure cycle parking is provided for the 6 flats.
Building heights range between 6.8m, 8.1m and 9.4m, with the apartment block rising to 9.4m in height

Summary of considerations and constraints

The site is allocated in the Local Plan: strategy and sites under policy A44 for approximately 26 homes and 90sqm of retail/service floorspace.

The site is located within the Ripley Conservation Area and in proximity of a number of grade II and a grade II* buildings.

The majority of the site is inset from the Green Belt, an area to the east and south, outside the development envelope remains within the Green Belt.

The site lies within 400m to 5km of the TBHSPA.

Access is to be provided through modifying the existing White Horse Lane.

A viability appraisal accompanies the application setting out justification for not providing a policy compliant level of affordable housing.

The loss of the employment land is accepted through the allocation. The scheme does not

provide any retail/service floorspace.

The less than substantial harm identified to the heritage assets is outweighed by the public benefits of the site in bringing forward the site allocation and contributing to the housing need. The housing mix is acceptable. Impact on neighbour amenity is acceptable.

There is a moderate potential for maternity bat roost/s in Building K further mitigation details have been requested prior to determination.

Subject to satisfactory bat mitigation being provided the application is recommended for approval subject to conditions and securing appropriate mitigation for the Thames Basin Heaths SPA, highways, education, open space and affordable housing.

RECOMMENDATION:

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

- a contribution of £17,499 towards early years education infrastructure;
 - a contribution of £79,211 towards primary years education infrastructure;
 - a contribution of £88,532 towards secondary years education infrastructure;
- Total contribution £185,242 towards education infrastructure;**
- a contribution of £6,000 towards the speed management plan for the High Street;
 - a contribution of £30,000 to improve the junction of Newark Lane and Ripley Lane;
 - a contribution of £40,419 towards playing fields/youth;
 - a contribution of £32,907 towards playspace;
 - a contribution of £3,952 towards amenity/Natural open space;
 - a financial contribution of £437,491 towards affordable housing;
 - a late stage, upwards only, review mechanism at 75% of disposal of dwellings to capture and secure additional contribution towards affordable housing;
 - SANG to be privately secured;
 - a contribution of £22,216.56 towards SMM.

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. The recommendation is to approve planning permission, subject to conditions.

(iii) In the event that a satisfactory s.106 is not completed, the application be refused 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 three years from the date of this permission.

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

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

Drawing Title	Dwg. Ref (As Submitted)	Dwg Ref. (As Amended) 26.5.21
Location Plan	1366/PLN/200	-
Site Layout Plan	1366/PLN/201	1366/PLN/201 Rev A
Plots 1-3 Plans and Elevations	1366/PLN/202	1366/PLN/202 Rev A
Plot 4 Plans and Elevations	1366/PLN/203	-
Plots 5-6 Plans and Elevations	1366/PLN/204	-
Plot 7-8 Plans and Elevations	1366/PLN/205	1366/PLN/205 Rev A
Plots 9-10 Plans and Elevations	1366/PLN/206	-
Plot 11 Plans and Elevations	1366/PLN/207	1366/PLN/207 Rev A
Plot 12 Plans and Elevations	1366/PLN/208	1366/PLN/208 Rev A
Plot 13 Plans and Elevations	1366/PLN/209	-
Plot 14 Plans and Elevations	1366/PLN/210	-
Plot 15 Plans and Elevations	1366/PLN/211	-
Plots 16-23, Plans (renumbered as Plots 16-21)	1366/PLN/212	1366/PLN/212 Rev A
Plots 16-23 Elevations (renumbered as Plots 16-21)	1366/PLN/213	1366/PLN/213 Rev A
Plot 24 Plans and Elevations (renumbered as Plot 22)	1366/PLN/214	1366/PLN/214 Rev A
Plot 25 Plans and Elevations (renumbered as Plot 23)	1366/PLN/215	1366/PLN/215 Rev A
Plots 26-27 Plans and Elevations (renumbered as Plots 24 and 25)	1366/PLN/216	1366/PLN/216 Rev A
Plot 28 Plans and Elevations (renumbered as Plot 26)	1366/PLN/217	1366/PLN/217 Rev A
Site Sections	1366/PLN/218	1366/PLN/218 Rev A
Indicative Street Scene, Proposed View 1	1366/PLN/219	-

Block Plan	1366/PLN/220	1366/PLN/220 Rev A
Demolition Plan	1366/PLN/221	-
Car Barns, Plans and Elevations	1366/PLN/222	1366/PLN/222 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 above slab level shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

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

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development. This pre commencement condition goes to the heart of the planning permission.

5. A photographic record of the internal and external features of the Coachworks Barn shall be submitted to and approved in writing by the Local Planning Authority prior to its demolition.

Reason: To secure the proper recording of the undesignated heritage asset. This pre commencement condition goes to the heart of the planning permission.

6. No works or demolition shall take place on the Coachworks Barn until a method statement for the dismantling of the building so that the works do not damage/harm the adjacent curtilage listed wall has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the special architectural and historic interest of the heritage asset. This pre commencement condition goes to the heart of the planning permission.

7. Prior to commencement of development the applicant must undertake an updated preliminary ground level roost assessment of all trees which are impacted by the proposals, including all trees to be felled or at risk of damage through construction activity. These details and any required mitigation measures shall be submitted to and approved by the LPA.

Reason: To ensure protection of protected species.

8. The development hereby approved shall be carried out in strict accordance with the precautionary method of working, all actions detailed in the recommendations section and enhancement measures outlined in page 2 of the ERAs Consultancy November 2020 report, the ERAs Consultancy 'Ecological Assessment Phase 1 Habitat & Protected Species Survey' August 2021 and the Thompson Environmental Ecological Enhancement Plan November 2021.

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

9. Prior to the commencement of any work including demolition on the site, the Applicant must carry out a bat presence/likely absence survey, between mid-May and July, in line with the good practice guidelines, to identify whether a maternity roost is present or likely absent and use this information to refine the bat mitigation strategy submitted. Upon the completion of the bat survey, the results should be provided to the Local Planning Authority, along with the final bat mitigation strategy. In the event that a bat roost (s) is recorded then no work will be able to start on the building until a European Protected Species Mitigation Licence has been granted by Natural England. Works shall only commence once the LPA has approved in writing the bat survey and final mitigation strategy, or, Natural England have granted a European Protected Species Mitigation Licence.

10. Reason: In order to protect the favourable conservation status of bats. No residential development, excluding demolition, shall take place until written confirmation has been obtained from the Local Planning Authority that the Council has secured Suitable Alternative Natural Green Space (SANG) 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.

11. Prior to occupation of development a Sensitive lighting Management Plan shall be submitted to and approved in writing by the lpa. The external lighting scheme, should be informed by the Bat Conservation Trusts' document entitled "Bats and artificial lighting in the UK – Bats and The Built Environment Series" Guidance Note 08/18.
The development shall strictly accord with the approved details.

12. Reason:To help prevent adverse effect to foraging bat species. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the

national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
 - 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.

14. No development, other than that required to be carried out as part of an approved scheme of remediation, shall take place until an investigation and risk assessment in addition to any assessment provided with the application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination,

CLR 11. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing and until the appropriate remediation has been undertaken.

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

15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or any Act revoking or re-enacting or amending that Act with or without modification) in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing of the local planning authority.

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

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the local planning authority. Following completion of the remediation works, a verification report must be submitted to and approved in writing of the local planning authority.

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

17. Prior to the commencement of development, excluding demolition, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's 'Climate Change, Sustainable Design, Construction and Energy' SPD 2020. This pre commencement condition goes to the heart of the planning permission.

18. 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 demolition, 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 the 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.

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

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

20. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to White Horse Lane has been constructed and provided with visibility zones, in accordance with the approved plans, reference to Transport Statement, Drawing No. Figure 3.1 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.0 m high.

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 first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 1366_Pln_201 rev A, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

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 space has been laid out within the site for covered bicycles to be parked in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Thereafter the parking areas for bicycles shall be retained and maintained for their designated purposes.

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

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

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

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

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) HGV deliveries and hours of operation
- (f) vehicle routing
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a

commitment to fund the repair of any damage caused
(i) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

26. Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This pre commencement condition goes to the heart of the planning permission. Construction Environmental Management Plan prior to commencement of development the following details to be submitted to and approved in writing by the lpa.

(1) You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- a) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
- b) Site perimeter automated noise and dust monitoring;
- c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
- e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
- f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
- g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
- h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
- i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
- j) Relevant CIRIA practice notes, and
- k) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

Reason: To protect neighbouring resident amenity and adjacent habitats. This pre commencement condition goes to the heart of the planning permission.

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

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

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

28. Prior to occupation full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

29. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Planning Authority. The content of the LEMP should include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

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

30. Prior to occupation details of the housing mix shall be submitted to the Ipa for approval in writing. To demonstrate that:
10% of the homes shall meet Building Regs M4(2) 'accessible and adaptable dwellings' and 5% of the dwellings shall meet Building Regs M4(3) 'wheelchair user dwellings'.

Reason: To ensure policy compliant housing.

31. The windows in the side elevations of plots 7, 24 and 26, and the rear elevation of plot 4 of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

32. Prior to occupation of the last dwelling confirmation that the scheme has achieved a Secure By Design accreditation shall be submitted to the Ipa.

Reason: To create safe and accessible environments.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
- Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk

3. Thames Water

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 0203577 9483 or by emailing trade.effluent@thameswater.co.uk

4. Highways

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 developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

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

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice

The developer is advised that as part of the detailed design of the highway works required by the highways conditions, 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.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>
for guidance and further information on charging modes and connector types.

Officer's Report

Site description.

The site has been inset from the Green Belt. The application site measuring 0.97ha, is an allocated site under policy A44 in the Local Plan for approximately 26 dwellings and 90sqm of retail or service uses. Part of the site to the south and east remains in the Green Belt

The site is located within the Ripley Conservation Area, an Area of High Archaeological Potential, within the 400m to 5km Thames Basin Heath SPA buffer and is in proximity of Grade II and Grade II* buildings.

The site frontage is identified as being located within a district shopping centre.

The site has a frontage to the High Street, with access taken from the existing access point serving the redundant fore court employment units and residential properties along White Horse Yard. The site widens significantly to the rear, extending behind the Talbot Hotel. The land inset from the Green Belt tightly reflects the application red edge, with land to the south and east of the application site being Green Belt.

The site comprises a petrol filling station within the front part of the site, with direct vehicular access onto the High Street, to the rear lie three buildings used for car sales, storage, and a vehicle workshop and beyond a yard area comprising parking for a vehicle repairs business. The eastern part of the site comprises unmanaged land. A wall running north south separates the unmanaged land from the workshop and parking area. To the east the site is bounded by mature trees, to the north the Talbot Hotel Grade II* listed and the Barn Grade II listed, to the south Ripley school playing fields and to the west residential properties.

Proposal.

Erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings including the partial demolition of the listed curtilage wall.

The following supporting statements accompany the application:

- Landscaping and Ecological Enhancement Plan November 2021
- Bat Surveys 2021
- Preliminary Ecological appraisal
- Built Heritage Statement
- Landscape and visual impact appraisal
- Transport statement
- Flood Risk and Drainage Assessment
- Drainage Assessment
- Archaeological desk based assessment

- Tree Survey and Impact Assessment Report Keen Consulting 2020
- Sustainability and Energy Statement
- Hurst Warne Retail Marketing and availability Reports 2020
- Aviron Phase I and II Geo- Environmental Risk Assessment April 2019

26 homes

2 x 1 bed flats

11 x 2 bed (4 x 2 bed flats, 7 x 2 bed houses)

7 x 3 bed houses

6 x 4 bed houses

Parking

42 parking spaces are provided, this includes one visitor space

Secure cycle parking is provided for the 6 flats.

Building heights range between 6.8m, 8.1m and 9.4m, with the apartment block rising to 9.4m in height

Relevant planning history.

16/P/00608 - Outline planning permission for the demolition of existing petrol filling station, car sales buildings and dilapidated workshops and the construction of up to 26 residential units to the rear and 2 retail/commercial units on the High Street frontage (for flexible A1, A2, A3 or A4 use) and associated car parking and landscaping all matters reserved except access. Refused. Allowed at Appeal.

20/P/01058 - Listed Building Consent for the partial demolition of the existing wall to enable the erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings. Currently under consideration.

Consultations.

Statutory consultees

County Highway Authority: The proposed development has been considered by County Highway Authority who having assessed the application on safety, capacity and policy ground, recommends conditions regarding visibility zones, junction improvement, parking and turning of vehicles, secure cycle parking, electric vehicle charging, and a Construction Transport Management Plan, in addition to requested contributions to highway safety improvements in the vicinity of the site.

Surrey County Council Education: Seek contributions towards early years, Primary and secondary education infrastructure to mitigate the effects of the development.

Natural England: no response.

Thames Water: No objection. Waste water comments: There are public sewers crossing or close to the development. Surface water drainage: if the developer follows the sequential approach to the disposal of surface water no objection. Prior approval from Thames Water Developer Services is required where the developer proposes to discharge to a public sewer. Management of surface water should follow Policy SI 13 of the London Plan 2021. Expect developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the

public sewer. Request Groundwater informative. No objection regarding Waste Water Network and Sewage Treatment Works Infrastructure capacity.

Surrey Wildlife Trust: Reviewed the following documents: ERAs Consultancy '20/P/01057 White Horse Yard, High Street, Ripley GU23 6BB' letter report (18th November 2020); Thomson Environmental Consultants 'OSHA106 003 LEEP BNG3.0' (19th November 2021); and Thomson Environmental Consultants 'OSHA106/003/001/001: Landscaping and Ecological Enhancement Plan' (22nd November 2021). Thompson Environmental Consultants OSHA106/003/001/002: Landscaping and Ecological Plan and ERAs Consultancy 'Ecological Assessment Phase 1 Habitat & Protected Species Survey (August 2021). Bat Surveys (25th October 2021). The proposal would achieve a measurable net loss in biodiversity and does not meet the requirements of the NPPF, recommend a 'Urban Tree habitat of Good condition, this is likely to be longer than the standard minimum of 30 years. Following receipt of a Bat Mitigation Strategy (draft Bat Mitigation Strategy by Thompson Environmental Consultants dated January 2022) a condition is recommended.

Surrey Police: Request condition regarding Secure by Design accreditation.

Surrey County Council Archaeology: No objection subject to condition.

Surrey Lead Local Flood Authority: Satisfied that the proposed drainage scheme meets the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. Recommend conditions regarding details of the SuDS and a verification report.

Internal consultees

Head of Environmental Health and Licensing: Conditions to address contaminated land, remediation and verification.

Cleansing: No objection

Tree officer: No objection subject to condition.

Parish Council

Ripley Parish Council: objects on the following grounds:

- fails to meet requirements of the Lovelace Neighbourhood Plan Policies: LNPH1 (g, j); LNPH2 (a, c); LNPH3 (a, b, d, e, f, g, k, l, m, n, p); LNPEN3(a-e); LNPEN4 (a-d); LNPEN5 (a-e); LNPI1 (a-f); LNPI2; LNPI3; LNPI4; LNPI6
- loss of existing viable employment sites
- neighbour amenity
- lack of affordable housing
- design
- flooding
- light pollution
- air quality
- traffic
- infrastructure
- public transport and sustainable travel
- parking

Amenity groups/Residents associations

Guildford Society: object on the following grounds:

- out of character
- no attempt to fit within highly sensitive context
- viability assessment needs to be scrutinised
- no indication of curb on SW side

Third party comments:

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

- appeal access gave a practical way to access site
- current residents have rights over the lane
- out of character with Conservation Area
- over development
- right to light
- damage to neighbouring buildings (officer note: this is covered by separate legislation)
- negative impact on residential amenity
- loss of protected trees (officer note: the site has been assessed by the council's tree officer with no objections raised)
- lack of parking
- impact of increased traffic
- road safety on lane
- lack of affordable housing
- loss of trees impact on biodiversity
- bats
- loss of employment
- absence of retail unit required in the allocation
- viability appraisal must be independently assessed
- no reference to White Horse cottage, Barn Cottage and The Pharmacy listed buildings
- lack of infrastructure
- structural damage to The Barn and York Cottage

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

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 13: Protecting Green Belt Land

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: strategy and sites 2015-2034

The Guildford borough Local Plan: strategy and sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.00 years based on most recent evidence as reflected in the GBC LAA (2021). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. 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.

H1	Homes for all
H2	Affordable Homes
P2	Green Belt
P5	Thames Basin Heaths Special Protection Area
E8	District Centres
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
D3	Historic environment
ID1	Infrastructure and delivery
ID3	Sustainable transport for new developments
ID4	Green and blue infrastructure
A44	Land at the rear of the Talbot, High Street, Ripley

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

G1	General Standards of Development
G5	Design Code
R2	Recreational Open Space in Large Resid.
HE4	New Development which affects the setting of a Listed Building
HE7	New Development in a Conservation Area
HE9	Demolition in Conservation Area
NE4	Species Protection

Neighbourhood Plans:

Lovelace Neighbourhood Plan made on 19 May 2021.

Policy LNPH1: Suitability of Development sites
Policy LNPH2 Housing for all
Policy LNPH3 Housing Density and Design
Policy LNPEN2: Biodiversity and Natural Habitats
Policy LNPEN4: Light Pollution
Policy LNPEN5: Air Quality and Traffic
Policy LNPI1: Infrastructure
Policy LNPI2: Public Transport and Sustainable Travel
Policy LNPI3 Cycling and Walking
Policy LNPI4: Parking
Policy LNPI6: Health care and Education

Supplementary planning documents:

Climate Change, Sustainable Design Construction and Energy SPD

Planning Contributions SPD

Vehicle Parking Standards SPD

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Ripley Conservation Area Appraisal 2017

Planning considerations.

- the principle of development
- appeal decision
- green belt
- housing/dwelling mix
- living environment
- affordable housing
- the impact on the heritage assets
- the impact on the scale and character of the existing site and character of the area
- the impact on neighbouring amenity
- loss of employment
- highway/parking considerations
- impact on trees and vegetation
- biodiversity
- refuse and recycling
- sustainability
- archaeology
- Thames Basin Heath SPA
- legal agreement requirements
- balancing

Principle of development

The site is allocated under Policy A44 within the local plan (LPSS), identifying the site for approximately 26 homes and 90sqm of retail or service uses (A1-A4). The principle of residential development is therefore secured.

The proposal however does not make provision for any retail/service use. As the site allocation (Policy A44) includes 90 sqm of retail or service uses. The absence of retail/service use from the proposed development gives rise to conflict with the local plan policy A44. The loss of retail provision within the district centre needs to be considered below.

Policy A44 requires the retail/service use to front the high street and a sensitive design, siting and form of development, given the edge of village/semi-rural location. Key considerations are the Conservation Area, the frontage of the site and the proximity of grade II* and II listed buildings.

Part of the application site (red edge) is located within the green belt. This is land to the east and west of the rear boundaries of the proposed development. Development including the rear gardens is not shown to be located within land identified as Green Belt. The land to the eastern part of the site is shown as woodland, with the Green Belt land to the south of the site identified for wild flower/grass meadow within the Landscaping and Ecological Enhancement Plan.

Appeal decision

Prior to the adoption of the LPSS an outline application, (access only) for up to 26 residential units and 2 retail/commercial units was allowed at appeal (appeal reference APP/Y3615/W/16/3164814, application reference 16/P/00608). At this time the majority of the site was located within the Green Belt. The appeal allowed the demolition of the existing petrol filling station, car sales building and dilapidated workshops and the construction of up to 26 residential units and 2 retail/commercial units.

The main issues considered by the Inspector were:

- The effect of the proposed development on the significance of heritage assets;
- Loss of employment;
- Whether very special circumstances exist to overcome inappropriate development in the Green Belt, loss of openness and any other harm'

The site has since been inset from the Green Belt and allocated for housing under policy A44. As such very special circumstances is no longer a consideration. The loss of employment land has been accepted subject to the allocation containing 90 sqm of retail/services floor space.

In considering the impact of the proposed development on the significance of heritage assets the Inspector commented on the evidential, historical and aesthetical of the Talbot (II* listed) and the eastern Barn (II listed).

The development to the rear would be largely shielded by the large two storey modern barn accommodation block located adjacent to the northern boundary, however there would be views of the development from the Inn's car park next to the accommodation block and from the block itself.

The Inspector accepted that the Elmwood Coachworks building is a non designated heritage asset and is a reasonably good example of the sort of vernacular Victorian buildings built behind the main high street frontages. Thereby making a contribution to the character and appearance of the CA. The retained boundary wall would continue to sufficiently enclose the Inns courtyard to prevent the setting of the listed buildings from being eroded. Views of the proposed dwellings would not adversely affect the setting of the listed buildings themselves because the site boundary is far enough away and such views are framed by the modern accommodation block. Concluding that the proposal would not adversely affect the setting of the listed buildings or their significance.

The loss of the Coachworks building would give rise to limited harm, albeit it has been extensively altered. Noting the external walls facing the Talbot would be retained its loss would not preserve or enhance the character and appearance of the CA, resulting in less than substantial harm, considering this to be a limited level of harm. This harm would be outweighed by the social and economic benefits of housing at a time when the LPA could only demonstrate a 2.36 year housing land supply. Benefit enhanced by scheme providing 50% affordable housing and environmental benefits in removing the former petrol filling station and canopy.

The High Street streetscene is important to the Conservation area's character in addition to the deciduous woodland at the eastern end of the CA. Planting would be reinforced to the southern and eastern boundaries.

The Inspector concluded the loss of employment land to be justified due to the policy E3 of the GBLP 2003 being out of date, no strong economic reasons why change of use to residential would be inappropriate on the site and, whilst attributing little weight to, the site allocation in the emerging LP.

The application site has been inset from the Green Belt, accordingly the green belt very special circumstances considerations by the Inspector are no longer relevant.

The Inspector in para 34 states that the density of 26 dwellings would not harm the character and appearance of the area. The proposal is also for 26 dwellings.

The appeal was allowed.

Green Belt

The NPPF para 137 states that great importance is attached to Green Belt, with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Policy P2 of the LPSS protects the Green Belt against inappropriate development in accordance with the NPPF.

The proposed block plan accompanying the application includes a dotted line to the south and east within the red edge of the application site. This denotes the Green Belt boundary and identifies the red edge of the application site as containing Green Belt Land to the southern and eastern parts of the site. In order to protect the Green Belt from inappropriate development the rear boundaries of the plots 11, 12, 13, 14, 22 and 23, and the rear and side boundary of the flatted block (units 16-21) must not include land identified as Green Belt. It is necessary that boundary treatment details are secured through a landscaping condition to ensure that the Green Belt land does not form part of the residential curtilages. Subject to this no development will take place within the Green Belt and therefore there would be no inappropriate development in the Green Belt.

Housing/dwelling mix

Dwelling mix

Policy H1 of the LPSS 2015-2034 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, characteristic and location.

SHMA

Market housing:

size of unit	SHMA	Proposed	SHMA %	Proposed %
1 bed	3	2	10%	8%
2 bed	8	11	30%	42%
3 bed	10	7	40%	27%
4 bed	5	6	20%	23%

Policy H1(1) of the LPSS is not intended to be applied in a prescriptive manner. It is a broad assessment of the needs required over the plan period and should be used to guide development proposals. However, in applying the mix as set out in the latest Strategic Housing Market Assessment (SHMA) consideration needs to be given to site specific matters which together would shape the appropriate mix on particular sites. The proposal broadly complies with the

SHMA, regarding the provision of 1 and 4 bedroom homes. There is a slight deviation with the scheme proposing a greater proportion of 2 bedroom units and a lower proportion of 3 bed units.

Neighbourhood Plan policy LNPH2 for the affordable housing element on major sites requires a mix of a minimum of 25% 3 bed or more, a minimum of 25% will be 2 bed and a maximum of 25% will be 1 bed. It does not stipulate a mix of market housing. The supporting text of the policy states that the Lovelace Housing Survey identified amongst starter homes and affordable homes for rent, small 2-3 bedroom homes as being the most popular. It goes on to state in the next 15 years 45 households are looking to move those remaining in the area have a requirement for 2 (43%) and 3 (30%) bedroom properties.

Given the character of the area, the proposed housing mix is considered to be appropriate.

This application is for full planning permission and represents a potential for early delivery of housing, which is required to meet the council's housing targets. As a full application there is no need for further reserved matters and therefore there is a realistic opportunity for the housing being delivered in the short term.

Living environment

Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the creation of 2 x 1 bed, 11 x 2 bed, 7 x 3 bed and 6 x 4 bed properties, comprising a mix of flats and houses.

NDSS

The applicant has provided a NDSS compliance table:

PLOT NO.	TYPE (H/F)	NO. OF BEDS	NO. OF PERSONS	REQUIRE D AREA (M2)	ACTUAL AREA (M2)	AREA (SQFT)	REQUIRE D BUILT IN STORAGE (M2)	ACTUAL BUILT IN STORAGE (M2)
plot 1	End Terrace	2	4	79	81	872	2	2.9
plot 2	Mid Terrace	2	4	79	81	872	2	2.9
plot 3	End Terrace	2	4	79	81	872	2	2.9
plot 4	Detached	3	6	102	119	1281	3	3.0
plot 5	Semi Detached	3	6	102	106	1141	3	2.6
plot 6	Semi Detached	3	5	93	108	1163	3	2.7
plot 7	Semi Detached	2	4	79	81	872	2	2.9
plot 8	Semi	2	4	79	81	872	2	2.9

plot 9	Detached Semi Detached	2	4	79	81	872	2	2.9
plot 10	Detached Semi Detached	2	4	79	81	872	2	2.9
plot 11	Detached	3	6	102	114	1227	3	2.6
plot 12	Detached	3	6	102	114	1227	3	2.6
plot 13	Detached	3	5	93	100	1076	3	2.8
plot 14	Detached	4	7	115	146	1572	3	3.8
plot 15	Detached	3	6	102	119	1281	3	2.9
plot 16	GF Flat	2	4	70	72	775	2	2.2
plot 17	GF Flat	2	4	70	74	797	2	2.2
plot 18	FF Flat	2	4	70	72	775	2	2.2
plot 19	FF Flat	2	4	70	74	797	2	2.2
plot 20	SF Flat	1	2	50	56	603	2	1.5
plot 21	SF Flat	1	2	50	56	603	2	1.5
plot 22	Detached	4	7	115	132	1421	3	3.0
plot 23	Detached	4	7	115	132	1421	3	3.0
plot 24	Semi Detached	4	7	121	143	1539	3	3.1
plot 25	Semi Detached	4	7	121	143	1539	3	3.1
plot 26	Detached	4	7	115	159	1711	3	3.6

The NDSS compliance table above confirms all the residential units will accord with the nationally described space standards.

Policy H1 (4) requires on residential developments of 25 homes or more 10% of new homes will meet Building Regulations M4 (2) and 5% of new homes will meet Building Regulations M4(3). A condition is recommended to ensure the development meets these standards.

Each dwelling will have its own private garden amenity space. The apartment block (plots 16-21) is afforded communal amenity space to the east and south that is identified as being inset from the green belt. A greater proportion of land to the east and south of the proposed built form lies within the Green Belt and will provide visual amenity. 2 of the flats (first floor) will be afforded a private balcony. All 6 flats will be dual aspect.

The garden depths provided range from a minimum of approximately 8 metres on plot 23, 9m plot 22 and approximately 9.5m for plot 14, the remainder of the houses have garden depths between 10m and 13.7m. To the rear of plots 11- 14, and 22-23 land within the red edge,

denoted by the dotted line on the accompanying block plan is located within the Green Belt. The garden depths described above do not include the land that falls within the Green Belt. Each dwelling is provided with adequate private amenity space. A communal garden area is provided to the flatted bloc (plots 16-21) at a minimum depth of 6m to the south and minimum of 4m to the east. Again, this area is part of the land inset from the Green Belt. Plots 11-14, 16-21, and 22-23 will benefit from the visual openness of the Green Belt that they abut.

Affordable housing

Policy H2 of the LPSS states that on sites providing 11 or more homes, the Council will seek at least 40% of the homes on these sites as affordable homes. The Lovelace Neighbourhood Plan policy LNPH2 also requires a minimum of 40% affordable homes.

Policy H2 (5) makes provision for housing contributions to be provided off site or by payment in lieu where it is agreed that on site provision and management would be impractical. Where viability is under discussion it is important for the starting point to be the amount of contribution that can be achieved. Once this is secured discussions can take place in terms of whether this can be provided as an on site provision. Where the financial contribution would result in a small number of units provided on site it may be difficult to secure an affordable housing provider. A financial contribution in these instances, subject to a review mechanism, is appropriate rather than on site provision.

The outline permission approved at appeal sought to provide 50% affordable housing. The application as originally submitted proposed no affordable housing. The applicant submitted a viability appraisal this has been independently reviewed by Dixon Searle Partnership (DSP).

The proposal, accompanied by a viability assessment set out why the development cannot viably provide policy compliant affordable housing, following independent review this now seeks to provide a financial contribution towards affordable housing. The applicant has advised that the difference in affordable housing provision is a result of the following: the outline application; 50% affordable housing was offered unilaterally to secure the release of the site from the Green Belt, as far as the applicant is aware the viability position was not assessed or checked at that time; the application was in outline with some matters reserved which may have had a bearing on the information that could be scrutinised; the outline permission has lapsed. The applicant has undertake a viability appraisal to support their stance that on-site affordable housing provision would not be viable. This has been reviewed independently by DSP. This resulted in the applicant increasing their financial contribution offer. This has been further reviewed by DSP.

The applicant in their submission provided an assessment of existing value carried out by Hurst Warne to accompany the original assessment of viability prepared by Kempton Carr Croft (KCC). This was based on actual rents being achieved at the time of the report. The applicant puts forward that these figures should be more relevant than comparable figures offered by Dixon Searle. In this instance provided the actual rents were appropriate (not over or under inflated) it would reasonable to accept this position. The applicant agreed with Dixon Searle approach for a notional value being applied to the ancillary use of the adjoining hard standing scrub land.

The applicant has accepted Dixon Searle's approach and their suggested BLV/EUV of £1.775m. However points out that the scheme has been reduced to 26 units and the viability position should be amended to reflect this rather than the 28 dwellings originally proposed. This is agreed.

Following the review by Dixon Searle, and on the basis of the reduced number of units the applicant provided an updated viability appraisal prepared by KCC.

The amended appraisal (February 2022) in summary comprised:

Pro rata the achievable GDV originally proposed under the 28 unit scheme, to reflect the 26 unit scheme now proposed

Sales - Uplift in land registry HPI applied from February 2021. Assumption made 7.5% uplift to provide a GDV of £14,985,426.

Build Costs average of DSP build cost of £187.20psf and applicant build cost of £197.37psf equates to £192.29psf. Uplift of 7% equates to build cost of £205.75psf.

The viability appraisal calculates on this basis:-

Residual Land Value: £2,212,491

Less Benchmark Land Value: £1,775,000

Surplus: £437,491

On the above basis the applicant is now proposing an off site contribution of £437,491 towards affordable housing in addition to the S106 contributions sought below. The viability of the scheme has been the subject of discussion and independent review. DSP have advised that the actual sales values cannot be known until the site is delivered and the sales value put forward appears a reasonable compromise. DSP have advised that differing views are held on the build costs and a compromised position is a sensible way forward.

Whilst securing on site provision of affordable housing is preferable, where viability demonstrates only a small financial contribution is viable. This would only translate to a small number of units on site. This is likely to give rise to issues of finding an RP to take on the management of the onsite affordable units. In this instance a financial contribution is considered the best option, it also allows for a late upward review to capture any additional surplus. Were the provision to be secured onsite an early review would be required, the downside of this is it would not capture the extent of any surplus available. On this basis it is considered that a financial contribution with a late stage upward only review is the best approach.

Where viability is under discussion and given the impact of Covid-19 and house price inflation and the length of time the application has been being considered it would be reasonable and give comfort to the lpa to require as part of the S106 agreement a review mechanism to enable the potential to secure a greater provision towards affordable housing should the final figures dictate.

A compromised position of £437,491 has been made, this follows on from a nil position originally offered (July 2020) and subsequent offers of £277,166 (September 2021) and £53,218 (January 2022). Giving consideration to the wider assumptions the offer of £437,491 subject to a late review mechanism clause within the S106 is reasonable. The late review mechanism at 75% of disposal of the units would give more accurate account of the build costs and sales values. This would be an upwards only review to capture any additional surplus and given the assumptions being made this is considered to be reasonable.

The applicant has agreed to accept a late review mechanism clause. On this basis the Council can take comfort that should any additional surplus be available this can be captured to increase the financial contribution towards affordable housing to achieve as close to policy compliant affordable housing contribution.

Heritage asset

Impact on the Ripley Conservation Area
Impact on Grade II and Grade II* Listed Buildings

Statutory provisions:

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.'

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that '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'. The NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 199-205 set 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.

Heritage asset

The Talbot
The Barn
The curtilage wall
White Horse Cottage
Barn Cottage
The Pharmacy
Ripley Conservation Area

The site lies adjacent to the Talbot Hotel a Grade II* listed building and the Barn a Grade II listed building. The Talbot Hotel dates from 16th Century and has under gone extensions and alterations during the 18th Century and later. Formerly a Coaching Inn it is associated with the historic growth of Ripley. The Talbot Hotel remains a public house and hotel. It is a good example of one of the earliest coaching inns in Ripley, dating from the sixteenth century around the time when Henry VIII established Portsmouth as an important naval base. The importance of the Talbot is evidentially, historically and aesthetically. It is a timber framed construction, with a re fronted Georgian facade onto the High Street.

The Barn, located to the rear of the Talbot Hotel dates from the 17th Century. Comprising a single storey red brick structure with hipped tiled roof. It is Grade II listed and its listing is separate to the Talbot Hotel. Its significance lies in its historic function and aesthetic and evidential value.

The development whilst visible from the parking area serving the Talbot it would be set against the newer accommodation block. Due to the location of the development and subject to the retention of the wall of the 'L' shaped barn no harm is identified to the setting of the listed buildings.

Non designated heritage asset 'L' shaped barn. This has been significantly altered both externally and internally however its footprint still provides a reasonably good example of the sort of vernacular Victorian buildings built behind the main high street frontages and its contribution to the conservation area. Conditions are recommended to secure photographic evidence and to ensure the wall can be retained to the boundaries with the Talbot to protect the setting of the listed buildings. Some harm is identified through the loss of the non designated heritage asset.

A curtilage wall runs north south within the rear part of the site. This is listed. The removal of part of the wall was considered under the earlier appeal application, where the Inspector allowed the appeal. The removal of two parts of the wall to allow access through the rear part of the site. The previous appeal decision granted the acceptability of creating an opening through the existing wall. Subject to conditions to ensure the demolition is carried out in accordance with the submitted demolition statement by Exacliber Services Ltd and that any bricks removed are reused within the newly formed entrances, for any necessary repair works and to be used for reinforcement should a buttress be required for stabilisation no objection is raised to this approach. It would result in some harm.

White Horse Cottage, Barn Cottage and The Pharmacy are Grade II listed, located on the High Street and White Horse Lane. With regard to setting the removal of the petrol station fore court and canopy will be of significant benefit to the setting of the listed buildings. The use of White Horse Lane as the sole access to the development is weighed against the more recent use of the access to serve the commercial premises and car yard. The proposed development at 8.5m in height is appropriate. Materials and landscaping to be secured by condition. Some harm is identified.

The Ripley Conservation Area.

The removal of the existing former petrol filling station fore court and canopy would enhance the character of the Conservation Area. The woodland and trees to the south and east is to be retained, additional planting can be secured through condition to enhance this feature of the conservation area. The proposed terrace of 3 dwellings would be located fronting the High Street, maintaining the building line of the neighbouring property to the east. The use of clay tiles, with upper storey to be tile hung, and frontages set close to the pavement edge to follow the historic character. No harm is identified.

As such the application will result in:

Less than substantial harm to the significance of the designated heritage asset namely the curtilage wall, White Horse Cottage, Barn Cottage and The Pharmacy noted above. In line with para 202 of the NPPF it is necessary to weigh this against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

The works proposed are necessary to facilitate the development of the allocated site. The loss of the non designated heritage asset and the removal of two small sections of the wall have been previously considered by PINS and accepted. The site was subsequently formally allocated for housing within the adopted local plan LPSS 2019.

The site at present has a largely detrimental impact on the character and appearance of the conservation area, by virtue of the visual impact of the hard standing and car sales buildings fronting the High Street and the extensive parking area to the rear which makes it an incongruous and unsightly contribution to the main village centre. The removal of the commercial garage structures and car yard would not only benefit the conservation area, but would be of significant benefit through improving and enhancing the setting of the neighbouring listed buildings (The Ripley Pharmacy and Cottage adjoining; The Talbot & Barn across the rear of the Talbot as well as the overall streetscape. This represents public benefit.

The development, an allocated site will provide 26 housing units contributing towards the boroughs identified housing need, representing public benefit. Materials and landscaping will be the subject of condition.

The harm to the significance of the designated heritage asset is outweighed by the public benefit identified and therefore permission should be granted. Due regard has been given to the provisions of Section(s) 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and policy D3 of the Local Plan: strategy and sites 2015-2034.

Impact on the character of the area.

The existing site comprises a disused petrol filling station fore court with shop and two large commercial structures to the rear. The site is currently accessed from the High Street via White Horse Yard. As above the development would result in the demolition of a non heritage asset, part of a listed curtilage wall, a commercial barn and a redundant filling station and shop. The site has a short frontage to the High Street, with the majority of the site located to the rear behind development fronting High Street. The High Street frontage is characterised by development relatively tight to the pavement edge. Development to the rear of the linear High Street tends to take on a more adhoc form, with no overriding character. All on site buildings are to be removed to facilitate the development.

The proposed development would utilise the existing access into the site from White Horse Lane, allowing the creation of a small terrace of three dwellings to front the High Street. These would be provided with short front curtilages to reflect the adjacent York cottage and The Barn. The access into the site would meander towards the rear of the site, terminating in a 't' junction.

The development comprises a mix of detached, semi-detached and terraced properties in addition to a flatted block. Heights of development range between 8.1 and 9.4m in height, with two storey and two storey plus roof accommodation. Two of the plots are afforded an attached garage, (plots 14 and 16).

Policy LNPH3 requires heights of residential developments to respect the character of the settlement built form; building line and boundary treatment should complement the conservation area; gardens and communal gardens to be provided to houses and flats respectively; major development will provide appropriate green space for recreational use; developments do not increase pressure on the TBHSPA; internal roads must be sufficient for service vehicles to access and turn, in addition to accessible and unobtrusive bin stores. Refuse and cycle storage will be provided within the rear curtilages of the dwellings with a dedicated cycle store and dedicated bin store for the 6 apartments.

The proposed terrace of three dwellings observes the building line to the immediate east of the site. This is shown to be fully hipped in design, maximum of 8.5m in height, with tile hanging to the first floor front and side elevations. A pitched canopy roof will be provided to each front door. A footpath is proposed alongside the widened lane, with verge to allow sufficient separation to Plot 1. Four parking spaces are provided the rear of plot 1, on a ratio of one space per unit with one visitor space. Moving along White Horse Lane, plot 4 is orientated to face the access road, with dual aspect. Its main garden extends north towards the terrace of three, directly adjoining the rear garden of plot 3.

Plots 7 & 8 measure a maximum of 8.9m in height, fully hipped with gable detailing to the front elevation. Plot 15 is a two-storey detached property, with the first floor set predominantly within the roof space, giving rise to a building height of 6.8m. It is set within the development with the internal road surrounding to the north, east and south. A wide verge is shown to the north and east of the dwelling. It is important that this feature remains open to provide space within the streetscene.

The apartment block located within the southeastern corner of the inset land comprises three floors of accommodation (ground, first and second). In an attempt to reduce the overall height a large area of flat roof is proposed, with part barn style hip to the side elevation. At 9.4m in height the roof form gives rise to a horizontal emphasis with two large dormer windows to the front elevation and four to the rear roof slope. The rear roof slope appears overly cluttered. The scale of the apartment block appears out of character with the scale of the remainder of the development. Due to its location within the site it would not result in undue harm to the character of the surrounding area.

Parking for the 6 flats are located within a parking barn opposite the flatted block, to the other side of the internal access road four parking spaces are provided serving plots 22 and 23 opposite. These will be provided within an open sided structure with a pitched roof over. Attached to the structure providing the flats parking spaces is an enclosed bin store also serving the flats.

The development rises again to 9.4m in height with the 2.5 storey pair of semi-detached dwellings (plots 24 and 25). Separated by the curtilage listed wall this has the potential, due to its siting to be overly dominant to the future occupants of plot 23.

Plot 26 is a 4 bed detached property with hipped roof and single storey attached garage.

Space exists within the development along the internal road to provide meaningful street planting that can be secured through a landscaping condition.

Impact on residential amenity

Properties along White Horse Lane and White Horse Meadows

White Horse Cottage, 1-4 White Horse Barns, South Cottage, The Stables, Tanglewood and 11,12, 13 White Horse Meadows.

White Horse Cottage, 1-4 White Horse Barns, South Cottage, The Stables and Tanglewood are served by White Horse Lane. The proposal seeks to modify this access to access the site. Plot 4 will face towards 1-4 White Horse Barns, a 15 metre separation between the front to front arrangement will be observed.

South Cottage and The Stables share a common boundary with the application site. These are 2 storey houses. A wall to wall separation of 19.2m would be observed between South Cottage and Plot 5.

The development (plot 7) would observe a 8.5m separation between the side elevation facing towards The Stables. The roof would be fully hipped away from the boundary, at two storey height and extending no deeper than the width of The Stables the proposed development would not give rise to unacceptable loss of light or privacy.

11 and 12 White Horse Meadows are bungalows. The two storey element of Plot 26 would be located approximately 11m from the rear elevation, with a single storey attached garage located approximately 8m from the rear elevation of 12 White Horse Meadows. This is on balance considered to be acceptable.

A condition is recommended regarding first floor openings within the side elevations of plots 7, 24 and 26, limiting to obscure glazed and non opening below 1.7m measured internally to protect residential amenity.

White Horse Cottage, Barn Cottage and The Pharmacy front the High Street and White Horse Lane. Resident concern is raised that the foundations of these listed buildings could be harmed by construction traffic and the use of the lane as the access to the development, where the appeal scheme proposed a separate element.

York Cottage lies to the east of the application site. Plot 3 would be located 1.8m from the boundary reducing to 1.4m. Whilst there will be an impact on the residential amenities of the neighbouring property this would not be unreasonable in a tight knit historic setting. Plot 4 located to the southwest has been designed with one first floor window in the rear elevation (facing into the side boundary of York Cottage). This serves the internal staircase and could be conditioned to be obscure glazed and non opening below 1.7m. One side elevation window is proposed to the side elevation facing north, which would give rise to oblique views of the neighbouring property.

Subject to conditions, on balance the impact on neighbouring properties is acceptable.

Loss of employment

The proposal would result in the loss of employment uses. However, with regard to the employment uses on site, the site is not protected under policy E3 of the LPSS, and there is no marketing requirement for the loss of the B2 workshops as Policy A44 allocates the entire site for a mix of alternative uses and therefore complies with policy E3 (12). This said there is conflict between the proposal and policy A44, which allocates the site for 90sqm (approx.) of retail or service uses fronting the high street, in addition to 26 homes. The proposal seeks permission for a residential scheme with no mixed-use element.

The application is accompanied by a Marketing Report undertaken by Hurst Warne. This identifies the site as being at the periphery of the centre and not receiving much footfall. The Council's survey data (May 2019) showed strong trading performance across the whole centre with low vacancies. It is acknowledged that Covid-19 is likely to have had an impact on store closures however it is expected that these would be fewer than in town centres as most district centres are local in nature. It is also considered that there would be continued opportunities and demand from local residents.

The site frontage is located within a district centre (and therefore the primary shopping area for the centre) and is a sequentially preferable location for new retail (policy E8 para 3 of the LPSS). The site is not located within a continuous line of retail development, residential properties lie immediately to the west and east of the entrance on the High Street, with the site being located towards the outer reaches of the local shopping centre. The impact of Covid 19 is also likely to have had an impact on the viability of the location.

In the absence of any retail/services provision, and due to the sites location towards the edge of the centre and the evidence provided some harm is attributed to the conflict with the policy allocation A44.

Highways and Parking

The existing lane varying between 3.1m and 4.5m in width is proposed to be widened to provide a 4.8m access road. A 2m wide footway is proposed alongside the access road.

The site is sustainably located within 200m of bus stops on the High Street. Surrey County Highway Authority have advised that according to the Transport Statement it is demonstrated that trip generated for the proposed development will have net benefit on the local highway network in comparison with the existing use. It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network.

The contribution of £30,000 towards the improvement of the junction Newark Lane and Ripley Lane will be beneficial to road safety.

42 parking spaces have been provided, this includes 1 visitor space based on 1 space per 1 and 2 bed, 2 spaces per 3 and 4 bed, with 2 of the 4 bed properties benefiting from an additional garage space.

A secure cycle store is provided for the 6 flats. With cycle parking to be provided within the rear gardens of the houses. A condition is recommended to secure details of the cycle parking.

Subject to conditions, the Highway Authority has raised no objection on highway safety or parking grounds.

Trees

An Arboricultural Impact Assessment and Method Statement by Keen Consulting accompanies the application. The Tree officer has reviewed the arboricultural documentation and visited the site. Tree removal to facilitate the development is limited and consists of low grade specimens. The trees to be removed are not specimens worthy of a Tree Preservation Order and their removal will not impact on the character or appearance of the Conservation Area. No objection is raised subject to a suitably worded condition.

Biodiversity and ecology

Bats

Surrey Wildlife Trust have advised that the LPA has a duty to consider impacts to bats when assessing applications and that due to the lack of surveys the LPA does not have sufficient information on which to base a decision under Regulation 55 (9) (b). Without being provided with assurance that survey data the LPA cannot be sure that the applicant will be able to maintain the population at favourable condition status as the presence and status of roosts is not known and therefore appropriate avoidance, mitigation and compensation measures cannot be determined. Following further discussion Surrey Wildlife Trust has advised that to date, the Applicant has not provided sufficient evidence to determine the presence/likely absence of roosting bats from Building K, due to the absence of any survey work between May and August. The Bat Survey Report (Thomson Environmental Consultants, 2021) assessed that Building K has the potential to support a maternity and transitional roost and classified it with overall moderate suitability.

In meeting its obligations, the LPA must be confident that the project will not breach the legislation afforded to bats, and bat roosts, and that the conservation status of bats can be maintained. Should any licences be required, the LPA must be confident that the actions are licensable (i.e. a project is not adversely impacting a roost that Natural England would not licence impacts to).

Further information has been sought from the applicant to provide the LPA with a bat mitigation strategy which demonstrates that conservation status of bats can be maintained should a maternity bat roost be present in Building K. The mitigation strategy should be based upon Building K supporting a high conservation status maternity roost so that the LPA can be assured that the conservation status of bats can be maintained. This mitigation strategy should show the location (s) of proposed mitigation and compensation, such as building enhancements, and bat boxes, including type. Surrey Wildlife Trust have advised that the granting of planning permission should only be given if the mitigation strategy is acceptable, and provides the LPA with the assurance that it is meeting its obligations.

In addition to this Surrey Wildlife Trust recommend a condition requiring a bat presence/likely absence survey between mid-May and July, in line with good practice guidelines to identify whether a maternity roost is present or likely absent. This information will refine the bat mitigation strategy. The results of the survey along with the final bat mitigation strategy shall be submitted to the LPA for approval. In the event of a bat roost/s being present the applicant is required to obtain a European Protected Species Mitigation Licence from Natural England.

Surrey Wildlife Trust have advised that the draft bat mitigation strategy is appropriate in scope and sets out the draft mitigation strategy assuming a maternity roost is present. The Strategy sets out the requirement for the bat survey, required in the maternity season prior to any works commencing. This is to be secured through an appropriately worded condition requiring the submission of a final mitigation strategy to the LPA for approval prior to any works commencing. Subject to conditions the LPA's obligation would be met.

Other species

Surrey Wildlife Trust requested and reviewed the updated Walkover report.

No significant change to reptiles and amphibians. Great Crested Newt has been justified as likely absent.

The site remains suitable for Stag beetle, the enhancement measures recommended in section 8.7 of the August Updated 2021 walkover report should be implemented.

The updated walkover survey did not identify any new signs of badger. Due to their nature prior to commencement the area should be rechecked for badger.

No objection subject to conditions to ensure the development is carried out in accordance with the precautionary method of working set out in the November 2020 letter report.

The site falls within a Surrey Biodiversity Opportunity Area, River Wey (plus tributaries) Flood plain Grazing Marsh, Lowland Meadows, Wet Woodland, Urban.

Biodiversity Net Gain

The proposal whilst providing a number of biodiversity measures does not secure a net biodiversity gain. In order to do this a provision to off site enhancement would need to be made. Currently there is no mechanism to facilitate this.

The Government announced it would mandate net gains for biodiversity in the Environment Bill in the 2019 Spring Statement, The Environment Bill received Royal Assent on 9 November 2021. Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. In the absence of this change to the TCPA and no Development Plan policy regarding biodiversity net gain it would be unreasonable to refuse the application on failing to secure net biodiversity enhancement. However, as para 175 of the NPPF sets out the principles that should be applied to habitats and biodiversity and policy ID4 of the LPSS seeks to contribute to biodiversity, it would be appropriate to require biodiversity enhancements by condition. This is supported by Policy LNPEN2 of the Neighbourhood Plan which seeks to achieve measurable gains and protect natural habitats.

The application is accompanied by a Landscaping and Ecological Enhancement Plan (LEEP) by Thompson Ecology. These biodiversity enhancements which include, native planting, bird and bat boxes, bat sensitive lighting, reptile refugia, can be conditioned. Surrey Wildlife Trust have advised that the LEEP overall appears appropriate in scope and content but does not achieve measurable gain.

The LEEP, to be secured by condition, whilst not providing measurable biodiversity gain would provide biodiversity enhancement. This is considered to meet policy ID4 of the LPSS.

Refuse and Recycling

The operational and technical services officer has provided comments on the application as follows: the dimensions of the refuse vehicle tracked can be seen on Site Layout drawing number 06. The vehicle tracked is slightly shorter but wider than the standard vehicle however, no concerns are raised as the turning space shown to be provided is fit for purpose. Note the change to the location of the communal bin and whilst stating a preference for the communal bin store to be located to the other end of the flats parking bays raise no objection to the current location.

No objection is raised on refuse and recycling grounds.

Sustainability

In order for the development to comply with the Council's Climate Change, Sustainable Design Construction and Energy SPD 2020 and Policy D2 of the LPSS 2015-203, the new dwellings would need to achieve a 20% reduction in carbon emission through the use of renewable energy.

The application is accompanied by a Sustainability and Energy report prepared by Bluesky

unlimited. The proposal states it will incorporate fabric improvements above building regulation requirements to minimise the energy requirements. Photovoltaic roof panels and air source heat pumps have been considered to address the carbon reduction requirements. A condition is recommended to secure the details to ensure that each dwelling achieves a minimum reduction of 20% in carbon emissions. The policy requires each unit to achieve a minimum of 20% reduction in carbon emission.

Water efficiency measures are stated to be incorporated, this can be secured by condition.

Materials and Waste

The document states that preference will be given to the use of local materials and suppliers. All timber used within the construction process will be recycled. The applicant is aware of the waste hierarchy. A construction waste plan can be conditioned.

Archaeology

Surrey County Council Archaeology have commented on the application. The site is partly within the designated Area of High Archaeological Potential for the historic centre of Ripley. It is likely that archaeological evidence relating to the origins and development of the settlement will exist here. A desk based archaeological assessment by RPS accompanies the application. The Assessment is appropriate and concludes whilst there are no identified archaeological assets on the site, the site is located within an area that could reasonably be expected to have a moderate potential to contain remains relating to the medieval settlement of Ripley. The site has the potential to contain unknown heritage asset, although it is acknowledged that some disturbance will have been caused by underground tanks associated with the existing petrol station. A programme of archaeological investigation comprising the excavation of trial trenches could be carried out in advance of development. This will enable the nature, extent and significance of any surviving buried remains to be determined and suitable mitigation measures to be designed.

An appropriately worded condition is recommended to secure preservation by record.

Drainage

The site is located within flood zone 1. A Flood Risk Assessment and Drainage Statement and strategy has been provided. This has been reviewed by the LLFA, who are satisfied subject to conditions.

Thames Basin Heaths Special Protection Area and Appropriate Assessment

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The applicant is willing to enter into a S106 agreement. The application would result in a net increase of 26 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 adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development. The Council currently does not have capacity in Council owned SANG for this development. The applicant has been advised of this. The development is only acceptable if the impact on the TBHSPA can be mitigated, which is reliant on the provision of SANG. A Grampian style condition is therefore proposed

requiring SANG to be secured prior to residential development taking place. The applicant has been advised that the development site falls within the catchment of the privately owned Longreach SANG. The proposed Grampian condition would prevent the development coming forward before SANG has been secured. The development therefore meets the appropriate assessment test.

As part of the application process the Council, as the competent authority, has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. Natural England has been consulted on the AA.

It is therefore concluded that subject to the completion of a legal agreement and the Grampian condition to secure SANG, the development impact on the TBHSPA would be mitigated and would meet the objectives of the TBHSPA Avoidance Strategy, Policy P5 of the LPSS and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 63 of the Habitats Regulations 2017.

S106 legal requirements

The three tests as set out in Regulation 122 require S106 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.

highways

The following contributions are sought to mitigate the development:

£6,000 towards the speed management plan for the High Street which is endorsed by Surrey Police and can be delivered by the Road Safety team

£30,000 to improve the junction of Newark Lane and Ripley Lane which currently result in queuing on Ripley High Street affecting the flow of traffic.

The requirement is necessary, reasonable and directly related to the development.

Education

Following contributions are sought towards education infrastructure:

£17,499 towards early years

£79,211 towards primary years

£88,532 towards secondary years

Total contribution £185,242

The calculation is based on the pupil yield from the housing mix proposed and the Surrey S106 Education formula.

Necessary to support the infrastructure required by the increase in housing stock and to mitigate the effects of the proposed development.

The requirement is necessary, reasonable and directly related to the development.

Open space

Saved policy R2 requires developments of 25 or more dwellings, or more than 0.4ha to provide recreational space provision based on the standards set out in saved policy R2, unless the provision of open space on the ward is and will remain after the development adequate, based on the standards set out in saved policy R2.

The development based on the standards set out in saved policy R2 requires contributions towards:

Playing fields/youth £40,419

Play space £32,907

Amenity/Natural open space £3,952

The requirement for open space is necessary, reasonable and directly related to the development.

Thames Basin Heaths SPA

As the application would result in the net gain of 26 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. The SAMM figure is £22,216.56. If the Council had sufficient SANG availability the SANG figure would be £166,788.15. The applicant has been advised that the site falls within the catchment of the privately owned Longreach SANG. As stated above a grampian style condition in addition to the S106 is proposed to secure appropriate mitigation. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 63 of the Habitats Regulations 2017, a S106 agreement is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA.

As set out above any subsequent section 106 legal agreement would require the applicant to make payment in line with the SANG and SAMM contributions as set out by the TBHSPA Avoidance Strategy 2017 and the associated tariff within the annual updating of off site contributions to Special Protection Area Mitigation and Open Space.

The Council is of the opinion that the TBHSPA requirements would meet the three tests set out above.

Affordable Housing

To secure a financial contribution of £437,491 towards affordable housing with an upwards only late review mechanism at 75% of disposal of units.

As required by policy H2 of the LPSS.

The requirement is necessary, reasonable and directly related to the development.

Balancing

Harm

Impact on heritage assets - lower end of less than substantial harm identified to the heritage assets therefore moderate weight in the planning balance is afforded whilst still accepting that special attention must be given to preserving heritage assets.

Conflict with policy A44 in failure to provide retail/service floor space. Harm is afforded to the conflict with the local plan policy allocation. Based on the information provided with the application, and edge of village centre and impact of Covid-19, the level of weight applied to this harm is reduced and is considered to carry moderate weight.

Benefit

Removal of the existing structures and car yard and retention of the wall of the barn 'non designated heritage asset', significantly benefits the setting of the listed buildings and would enhance the character and appearance of the Conservation Area. Significant weight is afforded to this benefit.

Allocated site - the site is allocated within the local plan for approximately 26 dwellings. The principle of housing is therefore secured. Some weight is afforded to this which is at a significant level.

This development represents a potential for early delivery of housing which is required to meet our housing targets, in permitting this application full permission would be granted without the need for further reserved matters therefore there is a realistic opportunity of this being delivered in the short term. Significant weight is afforded this matter.

Construction phase will provide employment - This will provide a benefit to the local and wider economy for the duration of the demolition and construction process. Some weight is applied as this is time limited for the duration of the works, overall this carries limited weight.

Neutral

Impacts of the development on infrastructure. This would be mitigated through a S106 agreement securing the necessary mitigation for highways, education Thames Basin Heath and open space provision. These matters weigh neutral in the balance.

A viability appraisal has been carried out in accordance with local plan policy H2 to delivery an off site contribution towards affordable housing, with an upward only late stage review mechanism. This is neither a benefit nor harm. This weighs neutral in the balance.

The benefits of the development outweigh the less than substantial harm to the heritage assets and the harm arising from conflict with the local plan policies.

Conclusion.

The proposal is for the development of an allocated site, some harm is afforded to the conflict in failing to provide 90sqm of retail/service use, however given the site location towards the periphery of the centre and the justification provided this is outweighed by the benefits of the proposal. The layout affords a good residential living environment to occupants. Subject to securing the appropriate mitigation for TBHSPA, highways, education, open space and a contribution towards affordable housing, subject to an upwards only late review mechanism the application is recommended for approval.