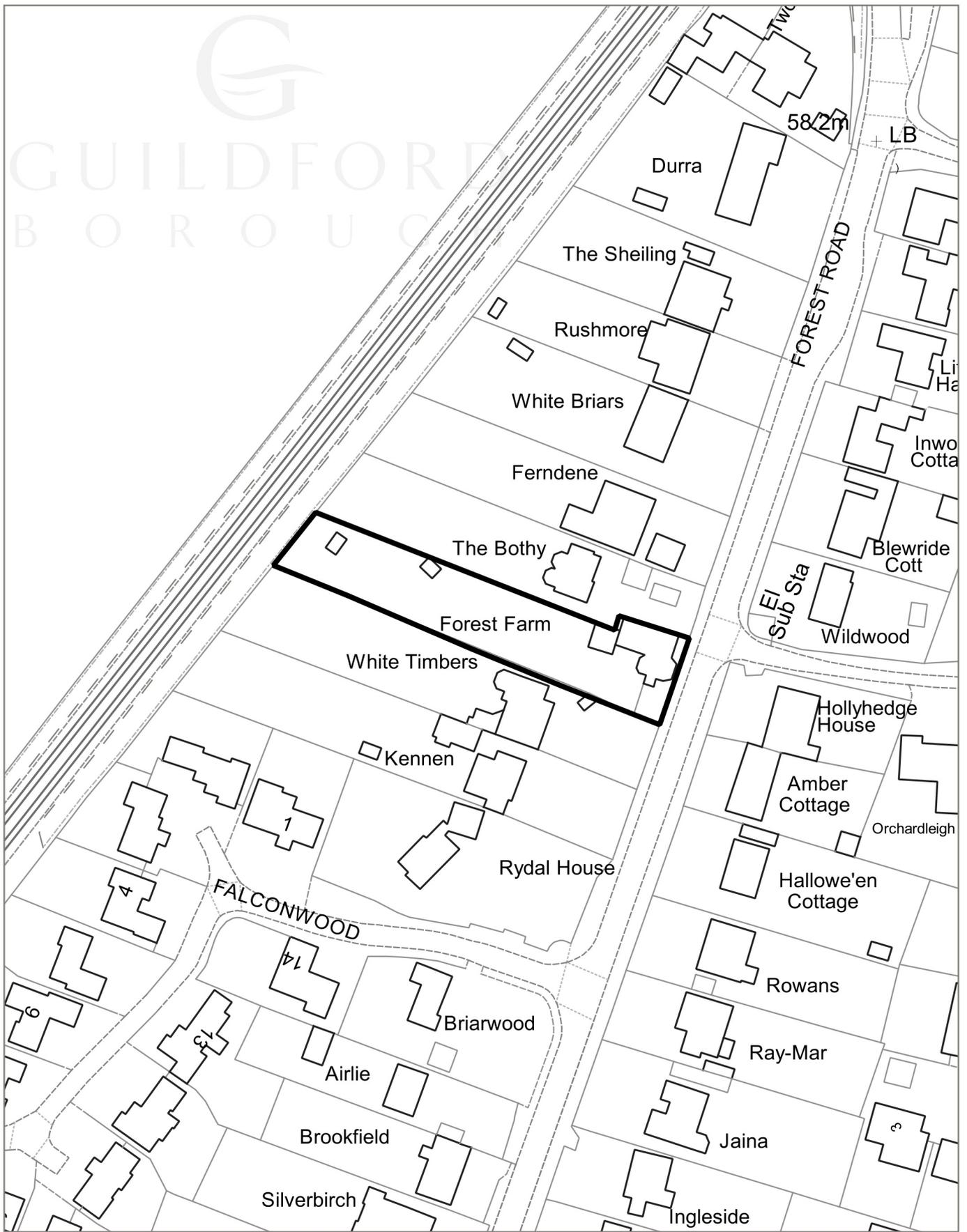


21/P/01537 - Forest Farm, Forest Road, East Horsley, Leatherhead



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Print Date: 05/05/2022



Not to Scale



GUILD FORD
BOROUGH

App No: 21/P/01537
Appn Type: Full Application
Case Officer: Emma Wachiuri
Parish: East Horsley
Agent :

8 Wk Deadline: 25/05/2022

Ward: Clandon & Horsley
Applicant: Mr Etwell
Forest Farm
Forest Road
East Horsley
KT24 5ER

Location: Forest Farm, Forest Road, East Horsley, Leatherhead, KT24 5ER
Proposal: Construction of a single storey, two bedroom dwelling.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by Cllr Catherine-Anne Young who contrary to officer's recommendation considers that the public benefits of this application, which delivers an innovative and climate friendly home for the future, far outweigh the reason for refusal.

They are of the view that the application meets virtually all the requirements of Guildford borough Local Plan: Strategy and Sites 2015 – 2034 policy D2. It is almost net zero and will achieve approx. 94% carbon reduction.

It is a high quality house for the future so meets policy H1, and being a single storey bungalow, satisfies East Horsley Neighbourhood Plan policy EH-H2. There is no impact on the Listed Building so meets the test of policy D3. Biodiversity enhancements are substantial delivering significant gains as per the requirements of policy ID4.

In addition, they believe it meets East Horsley Neighbourhood Plan policy EH-H8 with regards to infilling.

Key information

The site is inset from the Green Belt and within identified settlement boundary of East Horsley.

The proposal relates to the construction of a single storey, two bedroom dwelling in the rear garden of the donor property by subdividing the land.

The proposal relates to an existing dwelling and is the within an established residential area and is therefore acceptable in principle subject to being compliant with the relevant planning policies and with all other material planning considerations involved in the case.

Summary of considerations and constraints

The proposed development would result in the proposed dwelling sitting within a reasonable sized plot, with the resultant plot size being retained by the host dwelling also being appropriate. Due to its position within the site, it would not be visible in the street scene and as such would have no impact upon it.

However, backland development in this location would be out of character with the prevailing pattern of development.

Given its detachment, it cannot be complemented by an adjoining neighbour to bring the scale up to a size which would be characteristic of the area.

Whilst reference is made to other forms of backland development within Forest Road and nearby sites such as Falcon Wood, Berrington Drive, Forest Gate, the schemes cited by the applicant are more comprehensive comprising a number of new dwellings. This is a single dwelling so is not comparable.

The proposed location would be set further back into the site than the dwellings along Forest Road and would not have a frontage onto Forest Road; as such the proposal represents an inappropriate form of backland development which would fail to respect the established pattern of development within the immediate area.

Therefore, the proposal would result in significant harm to the established character and appearance of the area contrary to the design aims of policy D1, saved policies G5 and H4 of the Guildford Borough Local Plan 2003, the Residential Design SPG 2004, policy EH8 of East Horsley Neighbourhood Plan and the National Planning Policy Framework and is thus recommended for refusal.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The proposed development represents an inappropriate form of backland development which would fail to respect the wider established character of the area and would not be substantially surrounded by existing development contrary to Policy EH-H8 of the neighbourhood plan with gardens located to the north-east and south-west and the area to the north-west of the railway line that borders the site being defined by a lack of development. Given its detachment, it cannot be complemented by an adjoining neighbour to bring the scale up to a size which would be characteristic of the area. The proposal would result in significant harm to the established character and appearance of the area contrary to the design aims of policy D1, saved policies G5 and H4 of the Guildford Borough Local Plan 2003, the Residential Design SPG 2004, policy EH8 of East Horsley Neighbourhood Plan and the National Planning Policy Framework.
2. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions.

As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

Informatives:

1. This decision relates expressly to drawing(s) Elevations and roof plan published on 12.07.2021, Floor plan - single story and Site plan published on 28 Jul 2021 and Block plan published on 29 Jul 2021.

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

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

- In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.
- There are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application

Officer's Report

Site description.

The site has been inset from the Green Belt and is within identified settlement boundary of East Horsley. It is located within the East Horsley Neighbourhood Plan area and 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area.

The site itself comprises a detached Grade II listed, two-storey dwelling to the front of the site with a vehicle access running along the south-east boundary of the site and an area of garden to the rear of the site.

There are trees protected by Tree Preservation Order (TPO 1991 No.3) along the eastern boundary of the site.

To the north-east of the site is ancient woodland and a Site of Nature Conservation Importance separated from a site by a railway.

The surrounding area is predominantly residential in nature characterised by detached dwellings set within generous plots.

Proposal.

Construction of a single storey, two-bedroom dwelling.

Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
21/P/01538	Listed Building Consent for the construction of a single storey, two bedroom dwelling.	Withdrawn	N/A
20/P/00716	Listed Building Consent for the replacement of 11 windows with double glazed units in accordance with the previous Planning Application No. 16/P/02209.	Approve 15/06/2020	N/A
17/T/00271	Holly (T1) - fell and replace with Holly (Tree Preservation Order P1/201/293).	Tree Approved With Conditions 19/12/2017	N/A
16/P/02209	Listed building consent for the replacement of 11 windows	Approve 13/02/2017	N/A
10/T/00086	Three tier topiary pruning to be carried out to Holly tree (TPO P1/201/293)	Tree Approved With Conditions 07/07/2010	N/A
09/T/00111	T1 Holly on grass verge of Forest Road between The Bothy & Forest Farm - fell (Tree Preservation Order No P1/201/293)	Refuse 28/08/2009	N/A

Consultations

Statutory consultees

County Highway Authority: No objection raised and condition recommended

Thames Water: No response received

Affinity Water Company: No comment received

Internal consultees

Tree Officer: In principle no objection to the proposal subject to conditions.

Non-statutory consultees

East Horsley Parish Council: No comment

Third party comments:

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

- Out of character - plot sizes, backland development, hardstanding areas
- Overdevelopment
- Harm to setting of listed building
- Noise and disturbance
- Increase in traffic
- Loss of privacy and overlooking
- Risk to highway safety - access
- Loss of privacy and overlooking
- Light pollution
- Not affordable housing
- Risk to trees
- Risk of surface water flooding
- Likely to be used to expand the business possibly ran from Forest Farm (*Officer Note: The application does not relate to a business and there is nothing in the submission to suggest this*)

11 letters of support have been received outlining the following positive comments:

- Add to affordable house stock
- Sustainable building that will blend into the landscape
- Eco friendly and efficient home that can sit sympathetically and discretely alongside existing dwellings
- Adequate garden space retained
- Positive biodiversity enhancement measures to be employed
- Sufficient separation distance from Forest Farm (Grade II Listed Building)
- Design suitable for elderly and first-time buyers
- Not visible in the streetscene
- Sympathetic plot subdivision and appropriate use of large host garden
- Good example of low carbon footprint

Planning policies

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 12: Achieving well-designed places
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

National Design Guide (NDG)

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

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

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 years based on most recent evidence as reflected in the GBC LAA (2021). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 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.

Policy S1: Presumption in favour of sustainable development
Policy H1: Homes for all
Policy P2: Green Belt
Policy P4: Flooding, flood risk and groundwater protection zones
Policy P5: Thames Basin Heath Special Protection Area
Policy D1: Place shaping.
Policy D2 Climate Change, sustainable design, construction and energy
Policy D3: Historic environment
Policy ID3: Sustainable transport for new developments.
Policy ID4: Green and blue infrastructure

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

G1: General Standards of Development
G5: Design Code
H4: Housing in urban areas
HE4: New development which affects the setting of a listed building

East Horsley Neighbourhood plan 2017-2033:

Policy EH-S1 Spatial development in East Horsley
Policy EH-EN2: Trees & Hedgerows
Policy EH-EN4 Biodiversity
Policy EH-EN5 Flooding
Policy EH-H7 (a) East Horsley Design Code: Houses & Bungalows
Policy EH-H8 Residential infilling
Policy EH-H9 Heritage assets
Policy EH-INF3 Parking improvements

Supplementary planning documents:

Residential Design SPG 2004
Climate Change, Sustainable Design, Construction and Energy SPD 2020
Vehicle Parking Standards SPD 2006
Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on character and the grade II listed building
- amenity and living standards of future occupiers
- the impact on neighbouring amenity
- highway/parking considerations
- impact on trees and vegetation
- Ecology and biodiversity
- sustainability
- legal agreement requirements – TBHSPA
- the concerns of consultees
- other issues

Principle of development

The site is inset from the Green Belt and is located within an identified settlement area.

The proposal relates to an existing dwelling and is the within an established residential area and is therefore acceptable in principle.

The NPPF seeks to significantly increase the supply of housing.

Policy H1 of the Local Plan: Strategy and sites 2015-2034 seeks to deliver a wide variety of high quality homes that provide all tenures, types and sizes of housing to meet the needs and demands of different people within the community. Policy D3 of the Local Plan: Strategy and sites 2015-2034 states that the impact of development proposal on the significance of heritage assets and their settings will be considered in accordance with case law; legislation and the NPPF. Policy D1 of the Local Plan: Strategy and sites 2015-2034 relates to the need for developments to represent good design.

Policy EH-H2 of the East Horsley Local Plan encourages the development of bungalows as a popular building type, whilst EH-H8 relates to residential infilling which is considered acceptable within the settlement area provided it would not result in a materially adverse impact on neighbouring amenity, the site is substantially surrounded by existing development and the size and massing of the new development is no greater than that of surrounding property. Policy EH-H7 of the plan also requires development to meet good design requirements.

The principle of the development is therefore acceptable subject to being compliant with the relevant planning policies and with all other material planning considerations involved in the case.

Impact on the character of the area

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy D1 of the Local Plan: Strategy and Sites, 2015-2034 requires all new developments to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.

Saved Policy G5 of the Local Plan 2003 seeks to ensure that new buildings respect the scale, height and proportions and materials of the surrounding environment and that existing spaces of value are respected, and new spaces created through development should have an attractive and identifiable character.

Policy EH-S1 of East Horsley Neighbourhood Plan states that new development in East Horsley will be focused within the applicable settlement area.

Policy EH-H7 (a) of East Horsley Neighbourhood Plan provides criteria to follow for developments of houses or bungalows.

Policy EH-H8: of East Horsley Neighbourhood Plan is a policy concerned with residential infilling development.

The proposed development would result in the proposed dwelling sitting within a reasonable sized plot, with the resultant plot size being retained by the host dwelling also being appropriate. Due to its position within the site, it would not be visible in the street scene and as such would have no impact upon it.

However, the introduction of a new dwelling on this site would fail to respect the wider established character of the area and would not be substantially surrounded by existing development contrary to Policy EH-H8 of the neighbourhood plan with gardens located to the north-east and south-west and the area to the north-west of the railway line that borders the site being defined by a lack of development. Whilst reference is made to other forms of backland development within Forest Road and nearby sites such as Falcon Wood, Berrington Drive, Forest Gate, the schemes cited by the applicant are more comprehensive comprising a number of new dwellings so is not comparable.

Whilst it is noted that the host dwelling is an anomaly in the pattern of development along this part of Forest Road, with the remaining dwellings being consistently set back within their plots, the proposed location would be set further back into the site than the dwellings along Forest Road and would not have a frontage onto Forest Road; as such the proposal represents an inappropriate form of backland development which would fail to respect the established pattern of development within the immediate area.

Moreso, looking at historic maps Forest Farm is one of the oldest buildings hence why it is different and why it is even more important to respect this context.

The proposal would result in significant harm to the established character and appearance of the area contrary to the design aims of policy D1, saved policies G5 and H4 of the Guildford Borough Local Plan 2003, the Residential Design SPG 2004, policy EH8 of East Horsley Neighbourhood Plan and the National Planning Policy Framework.

Impact on character and the grade II listed building

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.'

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.

The site is within the curtilage of Grade II listed building (Forest Farm House). Forest Farm is a detached, two storey, statutorily listed (grade II) Lovelace estate cottage, which was constructed in 1867. It is situated on the western side of Forest Road and positioned fairly close to the roadside. The property is identifiable by its Lovelace material palette, which consists of flint rubble, some knapped, with brick and terracotta quoins and dressings, it also exhibits some fine decorative features, including corbelling, inset balustrading and guilloching. It is covered over by shallow slate roof with a terracotta/clay ridge accent and topped off by three prominent, decorative chimney stacks.

Formally known as Lower Forest Lodge, historic mapping illustrates that the original curtilage of the property was wholly different to that what we see today. Today, the property's narrow linear curtilage extends north westwardly toward to the railway line, however, historically it ran parallel with Forest Road in a south westerly direction, with 'The Forest' coming right up the property's western boundary, as demonstrated in the mapping extract below. This significant change to its curtilage occurred sometime in the first half of the 20th Century. In addition to the change to curtilage, the property's more wider setting has vastly experienced change, by virtue of the loss of the property's original wooded, rural setting in favour of a significant quantum of residential development which addresses Forest Road.

The proposed development seeks to introduce a new dwelling to the rear of the existing grade II listed dwelling.

The proposed subdivision of the plot would occur at the existing hard surfaced parking area to the rear of the existing formal garden and is thus not considered to result in an adverse impact on the setting of the listed building which is already visually subdivided due to the layout of the site separated by a parking area to the rear of the formal garden of the host dwelling and existing boundary treatments.

Effect of Proposal on Significance

The Conservation Officer has commented that the principal consideration for Design and Conservation, given that the property is grade II listed, is:

- Whether the construction of the proposed single storey dwelling would prejudice the heritage assets (Forest Farm) special architectural and/or historic significance or its setting.

The proposed dwelling is to be sited within the current curtilage of Forest Farm, specifically, to the rear of the heritage asset, between the property and the railway line which terminates the host property's boundary. The form of the proposed single storey development is based on an 'L' shape, thus formed of two rectangular blocks. One of the block components is identified as a 'living block' and this runs SW to NE and is to measure internally 13m x 5.5m. The second block component is identified as the 'bedroom block', and this is orientated NW to SE and internally measures 11.m x 5.5m. There is a slight difference of height between the two block sections with the 'living block' having a maximum height of 4m, whilst the 'bedroom block' is set down slightly and as a result has a maximum height of 3.3m.

The closest part of the proposal to the heritage asset is the bedroom block and this is sited approximately 35m away. Externally, this orthogonal proposed dwelling appears contemporary in its architectural design and language, helped by the use of Brimstone Poplar vertical cladding, 'biodiverse' green/brown roof and large, full length window openings.

In terms of the impact of the proposal upon the setting and significance of the heritage asset, the Conservation Officer is satisfied having assessed the street section provided in the supporting DAS, that in terms of the proposed structure's placement, massing, height and overall design there is no challenge to the asset's architectural significance and setting, both internally within the site or from public view (Forest Road). Equally, they are also convinced that there will be no additional harm arising as a result of access to the development and parking arrangements as this is already established and is not proposed to alter significantly.

They have also concluded that following understanding that this part of the Forest Farm's curtilage is not historically original to the property that the provision that the provision of development in this particular location does not prejudice the asset's historical setting or legibility.

The Conservation Officer has thus advised that the proposal is considered to represent acceptable works within the setting of a listed building, by safeguarding its architectural and historic significance and recommends approval subject to the following conditions in the interest of safeguarding the setting of the host listed building:

- Details and samples of the proposed external facing including colour & finish to be submitted and agreed
- Details of access gate and boundary treatment between proposed development and Forest Farm to be submitted and agreed
- Removal of PD relating to extensions, roof alterations, replacement or enlargement of hard surfacing, removal and alteration of boundary treatments and outbuildings

No material harm to the designated heritage asset has been identified and having due regard to Section(s) 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990 permission should be granted.

Amenity and living standards of future occupiers

The proposal includes the erection of a detached two bedroom, four person, dwellinghouse. Policies H1 and D1 of the LPSS require new development to meet with the requirements of the nationally described space standards:

2 bedroom, 4 person, 1 storey dwelling: Requirement = 70 square metres/Proposed = approx 132 square metres.

The space standards have further room dimension requirements and the bedrooms within the proposed unit would also meet with these requirements as follows:

- a. Built in storage area - 2 bedroom, 4 person, 1 storey require 1 built in storage; **1 utility room to be provided plus 3 additional built storage in bedrooms and livingroom**
- b. A dwelling with two or more bedspaces has at least one double bedroom; **Both bedrooms are double bedrooms**
- c. A single bedroom has a floor area of at least 7.5m² and 2.15m width; **Both bedrooms are double bedrooms**
- d. A double bedroom is at least 11.5m²; **Exceeds**

e. A double bedroom is at least 2.75m wide and any further bedrooms are at least 2.55m;

Exceeds therefore meets this requirement

f. Headroom of less than 1.5m is not counted within the GIA unless for storage

g. Storage areas has headroom of 900mm-1500mm and counted at 50% floor area

h. Built in wardrobe counts towards the GIA but not within the width requirement. Built in area of 0.72m² in a double bedroom and 0.36 in a single bedroom;

i. Minimum floor to ceiling height is 2.3m; the proposed height is over 2.4m

With regards to external amenity space the proposed two bed unit would have an amenity space which is considered adequate for the proposed size of accommodation.

Whilst there are no policies on garden sizes, the host property would retain a sufficient private amenity space for the size of this dwelling. According to the national advice provided in the publication 'Building for Life 12', this document promotes ensuring that rear gardens are at least equal to the footprint of the dwelling. The submitted plans indicate that private rear garden would meet these standard.

Therefore, the proposal would comply with policies H1 and D1 of the LPSS, 2015-2034 and the NPPF 2021.

Impact on neighbouring amenity

The neighbouring properties most likely to be affected by the proposed development are The Bothy to the north, 'White Timbers' to the south and the host dwelling 'Forest Farm' to the east.

The proposed dwelling is proposed to be single-storey and no more than 4m in height, set back within the plot adjacent to neighbouring gardens. Side windows are proposed in the north and south elevations.

In terms of amenity, the proposed dwelling would be single storey in nature and given the separation distances the proposal would not result in any material or detrimental level of overlooking impacts or privacy loss.

In terms of any overbearing impact, due to the single storey nature of the development and the separation distances to the side boundaries, the proposal is not judged to result in any detrimental impact on either neighbouring property. Similarly, due to the orientation of the plot, it would not result in any adverse or material loss of light or overshadowing impacts on the adjacent property.

Whilst some increase in noise and disturbance would likely occur as a result of the introduction of a new dwelling into the site, due to its scale and proposed residential use, it is not considered that it would result in an unreasonable impact. In this case, the traffic movements and thereby the noise and disturbance from a single additional unit is not considered to give grounds for refusal of this scheme. The likely disturbance cause to the neighbouring dwellings due to an increase in vehicles using the existing access is not considered to result in a significant increase that would result in material harm.

The impact on neighbouring amenity is therefore considered to be acceptable in this regard.

Highway/Parking/servicing

The proposed development would share the existing vehicle access to the site with the donor property. The host dwelling would be retain 3no. parking spaces within the hardsurfaced area located forward of the proposed dwelling.

The County Highway Authority have not raised any objection to the proposal on highway capacity or safety grounds.

According to Guildford Borough Vehicle Parking Standards SPD, a 2+ bedroom unit in this location should provide 1.5 car spaces.

The plans indicate the provision of two bedrooms. The parking and access areas indicated on the site plan show a clear provision for numerous vehicles which would be proportionate for the size of the proposed dwelling, as such no specific parking objection is raised to the development.

Cycle storage shed would be sited with the south-west corner of the rear garden. However, no details of the bin store have been submitted with the application, but this information can secured by way of a condition in any given planning permission.

Fast charge socket can be secured via planning condition to satisfy the Guildford Local Plan: Strategy and Sites, 2015-2034 policy ID3 and the National Planning Policy Framework 2021.

A refuse storage area for general waste and recycling is being proposed to the front of the dwelling along the southern boundary. However, no details of the bin store have been submitted with the application, but this information can secured by way of a condition in any given planning permission.

Subject to conditions the proposed development is thus considered to meet its operational requirements.

Trees and landscaping

The Council's tree officer has commented that there should be no loss of trees but there will however be encroachment into the root protection areas (RPA) of a number of trees.

A detailed Arboricultural Method Statement (AMS) has already been provided. If the application were to be approved, this report would need to be fully complied with in order to ensure retained trees were adequately protected.

Page 20 of the report is particularly important as it relates to foundation design within the RPA of Trees 6, 7, 8, 16, 17, and 18. Final foundation design (to be agreed between tree consultant, builder, engineer etc) will need to be approved by the LPA prior to commencement of the build to ensure that the retained trees can/will be protected in accordance with the AMS. These details can be secured by way of a condition.

Therefore, subject to conditions the proposal would thus comply with policy D1 of the LPSS, 2015-2034 and the NPPF 2021.

Ecology and biodiversity

Policy ID4 states that new development should aim to deliver biodiversity gains where appropriate. Gains in biodiversity means improvements to biodiversity through habitat creation and/or enhancement. This should be integrated into the design of the site through the provision of new wildlife habitats.

Paragraph 170 of the National Planning Policy Framework (NPPF) 2019 makes it clear that “Planning policies and decisions should contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. The NPPF Paragraph 174 requires the promotion of the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 175 also requires that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The biodiversity enhancement measures that have been submitted with this application include incorporation of roosting opportunities for bats, installation of bird nest boxes and enhancing the existing hedging with a native hedgerow and the use of a green/brown roof whose planting will include native species along with bee and bug habitats. These measures to improve biodiversity across the site is considered in accordance with the requirement of Policy ID4.

This application proposes to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats, installation of bird nest boxes and enhancing the existing hedging with a native hedgerow and the use of a green/brown roof whose planting will include native species along with bee and bug habitats. Securing the implementation of such biodiversity enhancement measures would be in line with National Planning Policy Framework (NPPF 2021), paragraphs 8, 174 and 175. An Ecological Management Plan and details of Biodiversity Net Gain can be secured via a planning condition.

Sustainability and green and blue infrastructure

The proposal has been submitted with a completed Sustainable Design, Construction and Climate Change Adaptation questionnaire and Energy Summary.

In order for the development to comply with Policy D2 of the New Local Plan and the Climate Change, Sustainable Construction and Energy SPD 2020, there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of on site low or zero carbon technologies and include water efficiency measures in line with building regulations.

A fabric first approach has been proposed by the applicant, as set out in the completed questionnaire and Energy Summary. The proposal includes the use of natural renewable materials such as straw timber block, local recycled materials, re-use of excavated materials for landscaping the site, low energy fittings, electric car charging points, use of green/brown roof, water butts for water harvesting for re-use on the site, use of permeable hardstanding surfaces, air source heat pump, heat recovery ventilation and installation of photovoltaic panels on the roof. The Energy Summary and questionnaire demonstrate that the dwelling will result in at least 94% carbon reduction compared to the target emission rate for the dwelling.

Solar panels have been indicated as the renewable energy to be used for the development. Details of the proposed sustainability measures have been submitted with the application and these measures can be secured by condition to ensure compliance with Policy D2.

A cycle storage shed would be sited with the south-west corner of the rear garden details of which can be secured via a planning condition.

With regards to water efficiency, measures have been incorporated to ensure water use is less than 110 litres per person per day including water saving fittings and appliances to ensure water pressure achieves optimum levels.

With regards to biodiversity, Policy ID4 states that new development aims to deliver biodiversity gains where appropriate. The biodiversity enhancement measures that have been submitted with this application include incorporation of roosting opportunities for bats, installation of bird nest boxes and enhancing the existing hedging with a native hedgerow and the use of a green/brown roof whose planting will include native species along with bee and bug habitats. These measures to improve biodiversity across the site is considered in accordance with the requirement of Policy ID4.

Thames Basin Heath Special Protection Area (SPA) mitigation

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

As the proposal would result in a net increase in one new dwelling such a proposal would be subject to a requirement to mitigate its impact on the Thames Basin Heaths SPA in accordance with the TBHSPA Avoidance Strategy 2017. In this instance the development requires a SANG contribution of £8277.12 and a SAMM contribution of £1102.52 which should be secured by a Legal Agreement. A planning obligation is therefore, required in accordance with the terms of the Strategy.

If the LPA had undertaken an appropriate assessment, this would conclude that there will be likely significant effects arising from the proposals due to lack of necessary measures to prevent adverse effects on the site integrity detailed within the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD and would not meet the objectives of the TBHSPA Avoidance Strategy SPD and Policy NRM6 of the South East Plan, 2009. For the same reasons the development does not meet the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations, 2017.

It was not considered necessary to invite the applicant to enter into legal agreement because the application is not being recommended for approval.

Legal agreement requirements – Thames Basin Heaths Special Protection Area

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require S.106 agreements to be:

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

Thames Basin Heaths Special Protection Area

As the application would result in the net gain of 1 new residential unit, 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. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the Habitats Regulations 2012, a S106 agreement is required to ensure that the additional residential unit proposed by this development will not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S106 agreement meets the three tests set out above.

While Regulation 123 of the CIL Regulations seeks to prevent the pooling of financial contribution from planning obligations this relates only to an obligation which “provides for the funding or provision of relevant infrastructure”. In this instance the contributions are required to improve existing SANGs and ensure they are maintained in perpetuity; the SANGS are existing infrastructure which is to be improved to ensure that they have suitable capacity to mitigate the impact of the residential development. Accordingly, the contributions are not for the provision of infrastructure and therefore Regulation 123 does not prevent collecting these contributions or having regard to the obligation in decision making. The SAMM contribution does not relate to infrastructure and this also falls outside the scope of Regulation 123.

As such, the requirement for the S106 agreement meets the three tests set out above and regulation 123 of the CIL regulations.

Conclusion

As discussed above the proposed development represents an inappropriate form of backland development which would fail to respect the wider established character of the area and would not be substantially surrounded by existing development contrary to Policy EH-H8 of the neighbourhood plan with gardens located to the north-east and south-west and the area to the north-west of the railway line that borders the site being defined by a lack of development. Given its detachment, it cannot be complemented by an adjoining neighbour to bring the scale up to a size which would be characteristic of the area. The proposal would result in significant harm to the established character and appearance of the area contrary to the design aims of policy D1, saved policies G5 and H4 of the Guildford Borough Local Plan 2003, the Residential Design SPG 2004, policy EH8 of East Horsley Neighbourhood Plan and the National Planning Policy Framework.

Due to the fact that the Council has an up to date Local Plan and the development is considered to be contrary to the development plan, it is not considered that paragraph 11 of the NPPF is engaged in this case.

The application is therefore recommended for refusal.