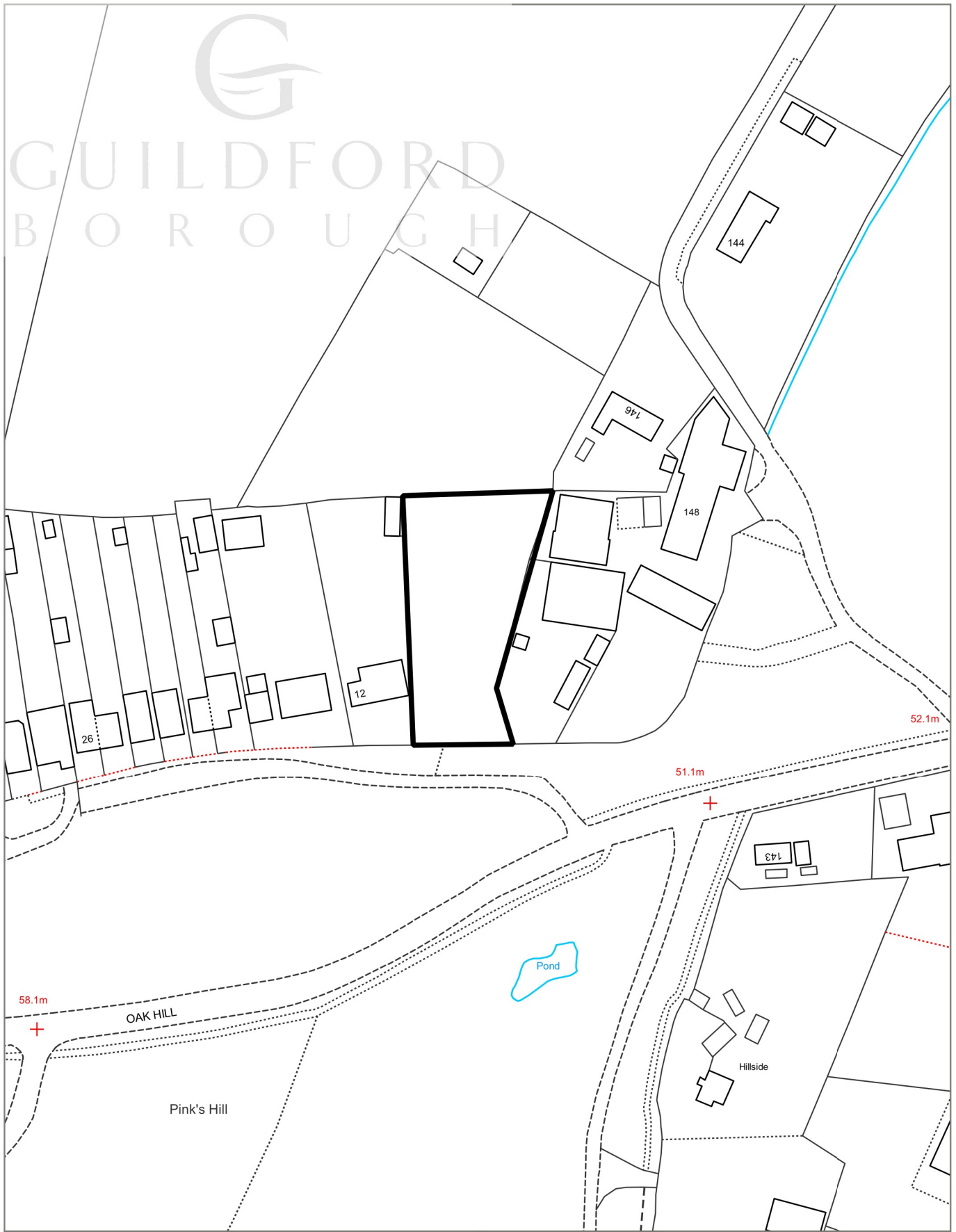


21/P/02036 - Land Adjacent To 12 Oak Hill, Wood Street Village



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Print Date: 13/02/2023

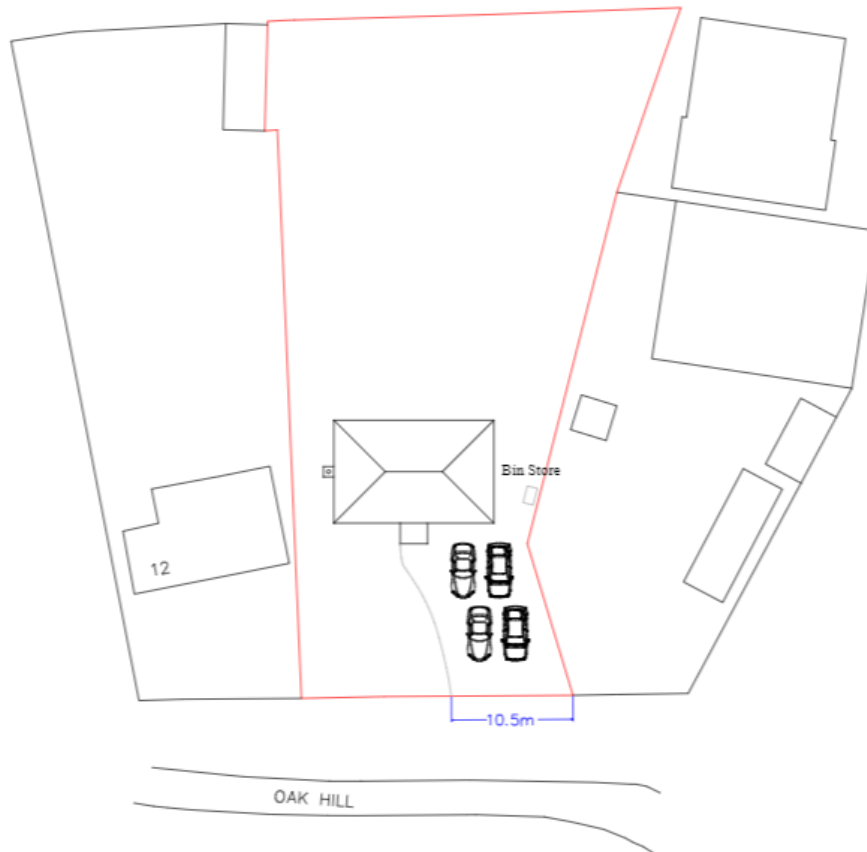


Not to Scale



GUILD FORD
BOROUGH

21/P/02036 – Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER



Not to scale

App No: 21/P/02036
Appn Type: Outline Application
Case Officer: Carolyn Preskett

8 Wk Deadline: 21/10/2022

Parish: Worplesdon
Agent : Mr Barnes
Yateley Drawing Service Ltd
Yateley Drawing Service Ltd
21 Coppice Gardens
Yateley
GU46 6EF

Ward: Worplesdon
Applicant: Mr McShane
10 Oakhill
Wood Street Village
Guildford
GU3 3ER

Location: Land adjacent to 12 Oak Hill, Wood Street Village, GU3 3ER
Proposal: Outline application for the erection of a 4 bedroom detached house on land adjacent to 12 Oak Hill to assess the access, appearance, layout and scale.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the applicant is the husband of a Guildford Borough Councillor.

Key information

The proposed development is for a four bedroom detached property on a vacant plot of land in the urban area.

Outline planning consent is sought with access, appearance, layout and scale under consideration.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

Summary of considerations and constraints

The site lies within the urban area where the principle of development is acceptable.

The proposed development would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property and to provide useable amenity space.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

The recommendation is for refusal.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The proposed development would result in the removal of a significant number of trees (the majority B grade) afforded Tree Preservation Order protection, to facilitate access to the new property, the footprint of the property and useable amenity space for the property. As such the proposed development would be contrary to British Standard (BS5837:2012) and to Policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015 - 2034 (adopted 25 April 2019).
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) EL 1; EL 2; FP 3 and FP 4 and additional information received on 22 September 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.

- Pre-application advice was not sought prior to submission and 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 application site is a vacant plot of land to the eastern end of Oakhill. The site lies within the urban area of Guildford.

The site slopes gently from north west to south east, with Oakhill running along its southern boundary.

The site is tree covered and was afforded Tree Preservation Order protection on 26 April 2022 and the Order was formally confirmed, without modification, on 25 October 2022.

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

Proposal.

Outline application for the erection of a 4 bedroom detached house on land adjacent to 12 Oak Hill to assess the access, appearance, layout and scale.

Relevant planning history.

None relevant

Consultations.

Statutory consultees

County Highway Authority: Recommend conditions

Internal consultees

Arboricultural Officer: Objection

Worplesdon Parish Council - objection

- lack of information as to whether the access is safe as no visibility splays have been provided

Third party comments:

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

- plot of land is a mature woodland and not a piece of land with only saplings and gorse
- woodland is a sanctuary for wildlife
- no current direct access to the land

- new access would cross over common land and a culvert
- flood concerns
- application contrary to a range of policies in the Local Plan
- inappropriate scale
- need is for smaller not larger properties
- property to the rear of the site has right of access to all services to lay and maintain

Planning policies.

National Planning Policy Framework (NPPF), 2021: _

Chapter 2: Achieving sustainable development

Chapter 4. Decision making

Chapter 5: Delivering a sufficient supply of homes.

Chapter 9: Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12: Achieving well-designed places.

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

Chapter 15: Conserving and enhancing the natural environment

Guildford Borough Local Plan: Strategy and Sites (LPSS), 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 6.46 years based on most recent evidence as reflected in the GBC LAA (2022). 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 8, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S1: Presumption in favour of sustainable development

H1: Homes for all

P5: Thames Basin Heaths Special Protection Area

D1: Place shaping

D2: Climate change, sustainable design, construction and energy

ID1: Infrastructure and delivery

ID3: Sustainable transport for new development

ID4: Green and blue infrastructure

Guildford Borough Council: Development Management Policies (LPDMP) June 2022

The LPDMP can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal.

If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy P6/P7 Biodiversity in New Developments
Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
Policy D5: Protection of Amenity and Provision of Amenity Space
Policy ID11 Parking Standards

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

NE4: Species protection

Supplementary planning documents

National Design Guide (2021)

Residential Design Guide (2004)

Vehicle Parking Standards (2006)

Thames Basin Heaths Special Protection Area Avoidance Strategy (2017)

Climate Change, Sustainable Design, Construction and Energy (2020)

Planning Contributions (2017)

Planning considerations.

The main planning considerations in this case are:

- The principle of development
- Impact on character and appearance of the surrounding area
- Living environment
- The impact on neighbouring amenity
- Highway/parking considerations
- Sustainability
- Impact on protected species and biodiversity
- flood risk
- Thames Basin Heath Special Protection Area

The Principle of Development

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 H4 of the Saved Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford provided it meets a number of criteria. The application site is located within the designated urban area of Guildford and therefore there is no in principle objection to the construction of new residential dwellings in this location.

The proposal is considered acceptable subject to compliance with the local and national policies.

Impact on character and appearance of the surrounding area

The application site is a vacant plot of land that sits on the northern side of Oak Hill which itself is a branch off the main road Oak Hill that runs through Wood Street Village. The immediate surrounding area is characterised by linear residential development with a mix of semi detached and detached properties of a variety of styles and that have been subject to extensions and alterations. The proposed new dwelling would be of a very simple design with red facing brick elevations and brown cement roof tiles with white upvc fenestration. Given the existing development within the immediate surrounding area the appearance of the proposed new dwelling is considered acceptable.

However, the application site is an area of woodland that currently sits as a natural break between the residential development of Oak Hill and the small industrial unit at the entrance to Oak Hill. In the Design and Access Statement the applicant states that the site is currently covered in small saplings and gorse, which will form part of a landscaping scheme at Full Planning. This is not the case as was found by the Case Officer on an initial site visit and then confirmed by a detailed site visit with the applicant's tree consultants and the Council's Arboricultural Officer. The proposed development would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property, and to provide useable amenity space. The woodland block referred to as "land adjacent to 12 Oak Hill " was afforded TPO protection on 26 April 2022 and the Order was formally confirmed, without modification on 25 October 2022.

The proposed development would result in the loss of trees and harm to trees afforded TPO protection. The proposed development would result in the loss of this woodland area that currently forms a natural break between the residential development of Oak Hill and the small industrial unit and as such would impact on the character of the area contrary to policy D1 of the LPSS 2019.

Impact on Trees

The application site is tree covered. The Woodland block, referred to as 'land adjacent to 12, Oak Hill, was afforded TPO protection on 26th April 2022 and Order was formally confirmed, without modification, on 25th October 2022.

The British Standard (BS5837:2012) states that trees in categories 'A', 'B' and 'C' are all a material consideration in the development process. The retention of category 'C' trees, being of low quality or of only limited or short-term potential, will not normally be considered necessary should they impose a significant constraint on development. U category trees are in such a condition that they are unlikely to contribute beyond 10 years , and may be removed as part of good arboricultural practice, irrespective of any development proposal.

In accordance with the recommendations of the British Standard 5837:2012 , the default position should be that structures such as buildings, roads, paths, car park spaces are located outside the root protection areas of retained trees.

This development proposal would result in the removal of a significant number of trees (the majority B grade) to facilitate access, the footprint of the property and to provide useable amenity space.

A site meeting was arranged following concerns raised by the case officer to the Council's Tree Officer and following the submission of a Tree Survey by the applicant's tree consultants to assess whether any trees proposed to be removed, could be retained and provide long-term benefit and to see if changes to the access and site layout were possible. The meeting was attended by the Case Officer, the Council's Tree Officer and the applicant's Tree Consultants.

Potential engineering solutions could be utilised to allow the retention of some trees on the frontage, but still provide access to the site. Possible solutions would likely be cost prohibited and could still result in loss or harm to the trees due to their close proximity.

If development were approved, the proximity of retained trees would be highly likely to cause anxiety for future occupiers. Leaf fall and detritus are symptomatic of trees growing in the built environment and a part of the natural life cycle of trees, but again can cause conflict with new occupiers.

These trees have yet to reach full maturity and, as stated within the British Standard, consideration for a trees ultimate growth (height and width) should be taken into account so as to reduce the need for frequent remedial pruning or other maintenance.

Where development is approved in close proximity to trees, there can often be a perceived threat or apprehension to the new occupiers. This can result in repeated tree work applications to the LPA where the trees are afforded TPO protection because of their benefit to the area.

The meeting did not resolve arboricultural concerns that were raised and therefore the Council's Tree Officer could not support the development application in its current form and any revision of the access or location of the dwelling would still have significant impact on the protected woodland. The applicant and their agent have been made aware of the view of the Council's Tree Officer and were given the opportunity to withdraw the application. The applicant does not wish to withdraw the application.

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 one 4 bed dwelling.

The internal floor area of the new dwelling exceeds the necessary requirements for such a dwelling set out in the nationally described space standards. The space standards set out further requirements in terms of bedroom sizes and dimensions and it is found that the proposed dwelling also meets with these requirements.

The proposals would result in a good sized garden. However, as previously mentioned in this report there are a large number of trees on the site which would impact greatly on the living conditions of any future occupiers of the proposed development due to their close proximity.

The impact on neighbouring amenity

The neighbouring property most affected by the proposals would be 12 Oakhill to the west of the application site. To the east of the application site is an industrial site.

The proposed new dwelling, due to the distances to the boundaries (the new dwelling would be positioned 3.5m from either boundary) and its location in relation to the neighbouring property at 12 Oakhill, would not result in loss of privacy, loss of light or overbearing impact.

As such the proposals are considered to be in accordance with Policy G1(3) of the saved local plan and Policy D5 of the LPDMP 2022.

Highway/parking considerations

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, has raised no objection subject to the impositions of a condition for the provision of an electric vehicle charging point.

The proposed new dwelling would be served by a new access off Oakhill and there would be sufficient parking area for up to 4 cars.

The proposal would be in accordance with Policy ID3 of the LPSS 2019 in this regard.

Sustainability

Policy D2 of the LPSS requires proposals to include information that sets out how sustainable design and construction practice would be incorporated (Policy D2 (1)). Policy D2 parts (5) – (11) requires proposals to include information in relation to climate change mitigation, decentralisation, renewable and low carbon energy. Part (9) sets out that new dwellings need to achieve a 20% reduction in carbon emissions through the use of renewable energy. These requirements are expanded upon within the Climate Change, Sustainable Design, Construction and Energy SPD (2020).

The application has been supported by the GBC Climate Change, Energy and Sustainable Development questionnaire, which outlines how the proposed development would meet sustainability requirements.

In relation to materials, the questionnaire outlines that extracted site materials would be reused to make up ground levels and recycled where necessary. Non-mineral construction waste would be minimised through bulk material deliveries, sourced from local delivery companies/suppliers and FSC certified timber would be utilised.

In terms of low energy design, the new dwelling has been designed to meet with current Building Regulations. Main rooms have been orientated to the south to maximise daylight and sunlight. No cooling/ventilation measures or mechanical cooling have been proposed.

The applicant has confirmed they would meet increased water efficiency standards of 110 litres per person per day and this could be secured via condition, however, they have not provided details of what measures would be installed in order to achieve this.

The questionnaire confirms that the scheme would include the use of Air Source Heat Pump Technology and the installation of solar panels on the southern roof elevation.

A carbon reduction calculation has been provided, it shows that as a result of the proposed measures, there would be a reduction of 20% from the Target Emission Rate, although no details of how this would be achieved have been submitted, this could be secured via condition. Policy D2 of the LPSS requires new buildings to achieve a 20% reduction.

Whilst the proposed development is modest in scale, Policy D2 of the LPSS and the Climate Change, Sustainable Design, Construction and Energy SPD (2020) set out the minimum requirements expected of new buildings with regards to meeting policy requirements. The applicant has provided sufficient information in relation to how the proposed new dwelling would make efficient use of materials, achieve water efficiency requirements or meet low and zero carbon aspirations. They have stated the new dwelling would meet the required 20% reduction from the Target Emission Rate.

No electric vehicle charging point is proposed and there is no cycle storage provision for the dwelling. This could have been secured via a condition, had the application been deemed to be acceptable.

As such, the proposals are in accordance with Policy D2 of the Guildford Borough Local Plan: strategy and sites 2015- 2034 (2019) and the Climate Change, Sustainable Design, Construction and Energy SPD (2020).

The impact of biodiversity and protected species

Policy ID4 of the LPSS, 2015-2034, requires a net gain in biodiversity to be achieved in connection with any new development.

This application is an outline application with access, appearance, layout and scale to be considered. Had the scheme been considered acceptable, an Ecological Survey and biodiversity enhancements would have been sought at the reserved matters stage of the application.

Flood risk

The application site lies within Flood Zone, an area with a low probability of flooding.

Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)

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 proposed development may adversely impact the TBHSPA due to the net increase in residential units at the site. The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution to avoid any adverse impact in line with the tariff within the annual updating of off-site contributions document.

As the application is deemed to be unacceptable for the reasons which have already been discussed, the applicant has not in this instance been invited to enter in a s.106 agreement to secure the above contributions as mitigation.

Without the completion of a legal agreement the development would impact on the TBHSPA and would fail to comply with the Thames Basin Heath Avoidance Strategy and is contrary to policy NRM6 of the South East Plan, 2009, policies P5 and ID4 of the LPSS, 2015-2034, and policy NE4 of the saved Local Plan, 2003. For the same reasons the development does not meet the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Subsequently because the application is not being recommended for approval and there is no legal agreement in place to secure SAMM and SANG payments, it is not considered that the proposal would be in accordance with the mitigation measures set out within the Appropriate Assessment agreed by Natural England.

Legal agreement 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.

As the application would result in the net gain of 1 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement would have been 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 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.

If the application was deemed to be acceptable, the Council is of the opinion that the TBHSPA requirements would meet the three tests set out above.

Conclusion

The proposed development would provide one new 4 bed dwelling on this currently vacant woodland plot. The principal of development is acceptable, given the location of the site within the Guildford Urban area. However, the proposed new dwelling would result in the loss of trees and harm to trees afforded TPO protection contrary to British Standard (BS5837:2012) . In addition, the proposed development by virtue of the loss of this woodland area would have a detrimental impact on the character and appearance of the area contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019).