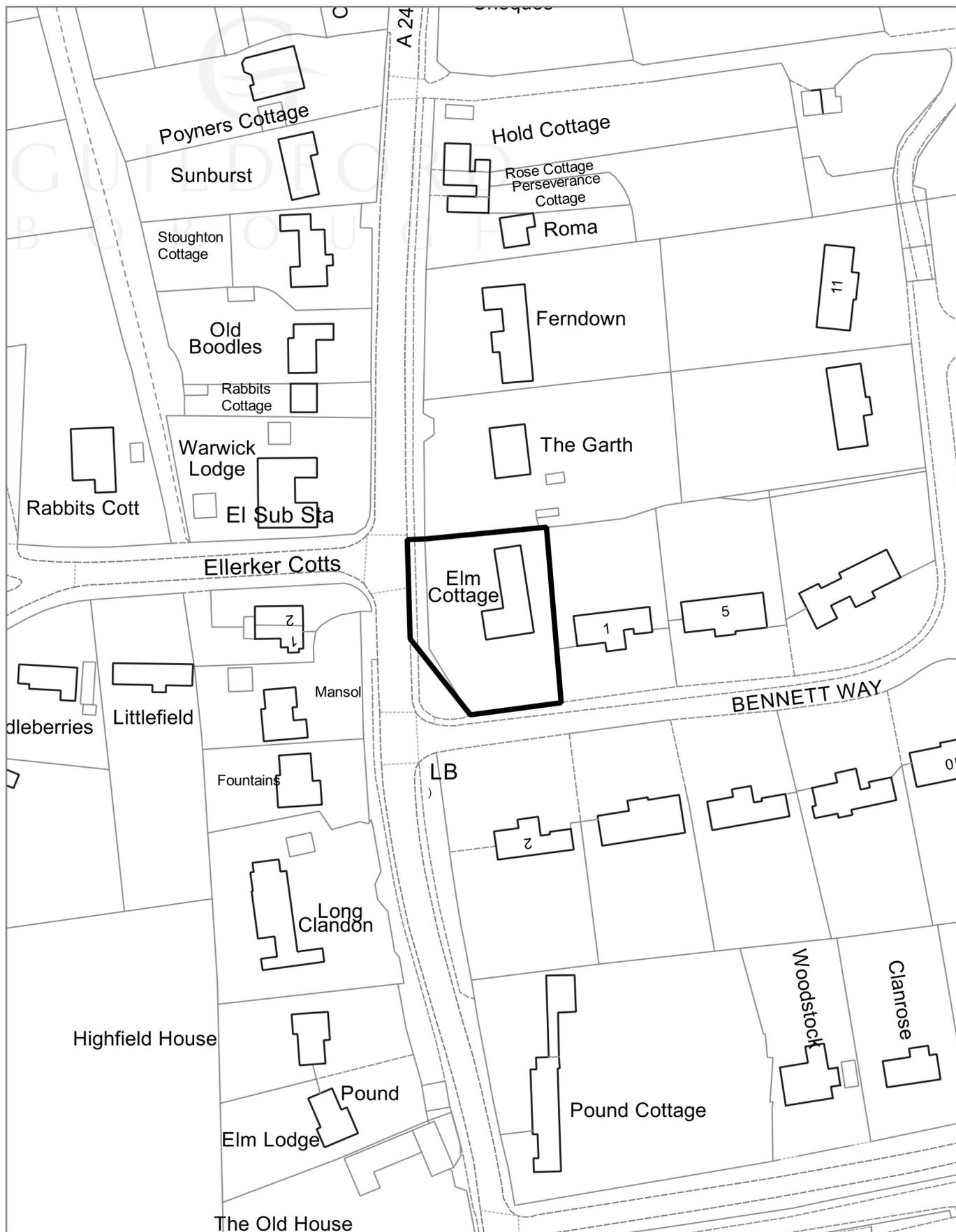


21/P/00339 - Elm Cottage, The Street, West Clandon, Guildford



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Print Date: 27/07/2021

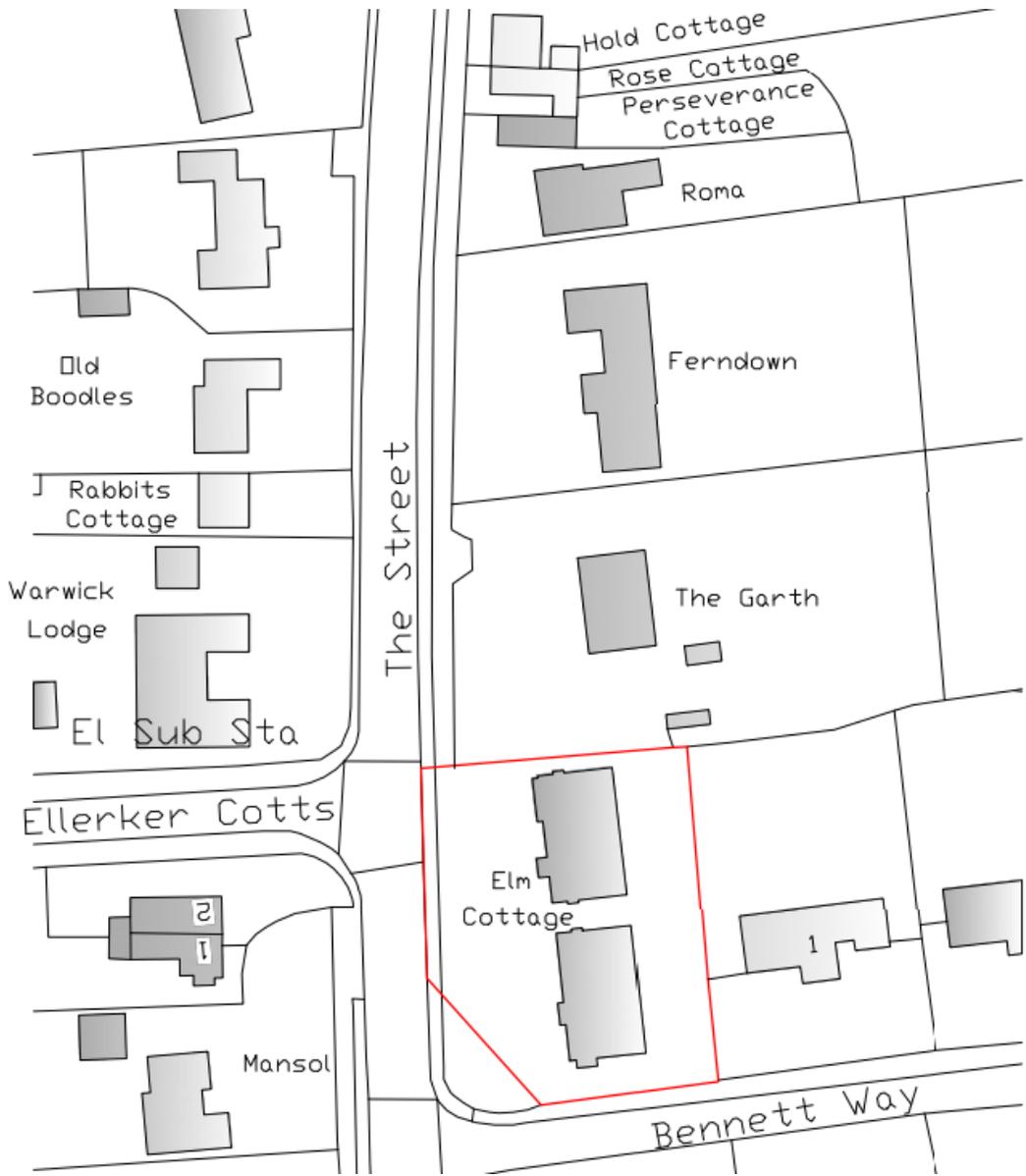


Not to Scale



GUILDFORD
BOROUGH

21/P/00339 – Elm Cottage



Not to scale

App No: 21/P/00339
Appn Type: Full Application
Case Officer: Katie Williams

8 Wk Deadline: 06/05/2021

Parish: West Clandon
Agent : Miss E. Leaver
Dream Concepts (Surrey)
Limited
1 Park Road
Hampton Wick
Kingston-upon-Thames
KT14AS

Ward: Clandon & Horsley
Applicant: Mr E. Leaver
Elm Cottage
The Street
West Clandon
GU4 7TG

Location: Elm Cottage, The Street, West Clandon, Guildford, GU4 7TG
Proposal: Erection of one pair of semi-detached dwellings and one detached dwelling, following the demolition of detached bungalow, with associated access, parking & landscaping.

Executive Summary

Reason for referral

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

Key information

The application site comprises a large detached bungalow on a corner plot on the east side of The Street (A247), at its junction with Bennett Way. The overall plot size is approximately 1200 sq.m. The site is within the identified settlement of West Clandon and falls within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The proposal is for the erection of one pair of semi-detached dwellings and one detached dwelling, following the demolition of detached bungalow, with associated access, parking & landscaping.

The access to Plots 1 & 2 would be via the existing vehicular access from The Street. A new vehicular access is then proposed from The Street, serving Plot 3.

6 parking spaces (2 per dwelling) are proposed.

Amended plans (received 21 June 20201)

The amendments show the number of dwellings reduced from 4 dwellings (4 x 3 bed) to 3 dwellings (2 x 3 bed & 1 x 4 bed) and the parking area amended to reduce the extent of hardstanding proposed.

Summary of considerations and constraints

This application is a revision to two previous applications, 20/P/01398 for four x three bedroom dwellings (2 x pairs of semis) on the site which was refused and 19/P/00866 which was approved for two detached four bedroom dwellings.

This revised application shows revisions from the refused scheme, reducing the number of dwellings proposed and reducing the extent of hardsurfacing across the frontage of the plots.

It is considered that the proposal constitutes limited infilling within a village and therefore constitutes appropriate development within the Green Belt.

The scale, height and design of the proposed dwellings (as amended) and the soft landscaping to the front of the dwellings would be in keeping with the character of the surroundings and there would be no adverse impact on neighbouring amenity.

Sufficient car parking and visibility splays are proposed and there are no concerns regarding any adverse impacts on highway safety.

The application is therefore recommended for approval subject to conditions and a S106 agreement.

RECOMMENDATION:

(i) That a S106 Agreement be entered into to secure the provision of:

- **SANG and SAMM Contributions and Open Space contributions in accordance with the formula of the updated tariff**

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 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. The preliminary view is that the application should be granted subject to conditions.

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: EC/21/01 and EC/21/02 (existing block plan) received 11 March 2021 and amended plans EC/21/04/A, 05/A, 06/A, 07/A, 08/B, 08/BB and 12 received on 21 June 2021.

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

3. No development shall take place beyond slab level until details and samples of the proposed external facing and roofing materials and hard surfacing 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 part of the development shall be first occupied unless and until the proposed vehicular access to The Street has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.EC/21/04/A, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

5. 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.EC/21/04/A, for vehicles and bicycles 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 for vehicles and parking for bicycles shall be retained and maintained for their designated purposes.

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

6. The development hereby approved shall not be occupied unless and until each of the proposed dwellings 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.

7. No development shall take except for the demolition of the existing building until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, 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.

8. 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.

9. No development shall take except for the demolition of the existing building until details of biodiversity enhancement measures have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the development hereby approved and maintained in perpetuity.

Reason: To increase the biodiversity of the site and mitigate any impact from the development.

10. No development shall take except for the demolition of the existing building until full details, of both hard and soft landscape proposals and all boundary treatment, 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.

11. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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

12. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local planning authority during development and for a period of five years after completion of the building(s), structure(s) or any other development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 November to 31 March) following their loss or removal.

Reason: In order to ensure that the site is landscaped and is maintained in the interest of the visual amenities of the area, ensuring the adequate respect for trees, set out in Section 197 of the Town and Country Planning Act 1990.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A and B shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions in order to safeguard the residential amenities of adjoining properties.

14. The first floor bathroom windows in the side elevations and the rooflight window(s) in the rear roofslope(s) of the development (Plots 1, 2 and 3) hereby approved shall be fitted 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.

Informatives:

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

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

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

In this case pre-application advice was not sought prior to submission. Alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

3. 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 <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>.

4. 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 <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>.

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

6. 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).
7. The developer is advised that as part of the detailed design of the highway works required by the above 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.
8. 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 application site comprises a large detached bungalow on a corner plot on the east side of The Street (A247), at its junction with Bennett Way. The overall plot size is approximately 1200 sq.m. The site is within the identified settlement of West Clandon and falls within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

Proposal.

Erection of one pair of semi-detached dwellings and one detached dwelling, following the demolition of detached bungalow, with associated access, parking & landscaping. [Amended description and amended plans received 21 June 2021]

The access to Plots 1 & 2 would be via the existing vehicular access from The Street. A new vehicular access is then proposed from The Street, serving Plot 3.

6 parking spaces (2 per dwelling) are proposed.

Amended plans (received 21 June 2021)

The amendments show the number of dwellings reduced from 4 dwellings (4 x 3 bed) to 3 dwellings (2 x 3 bed & 1 x 4 bed) and the parking area amended to reduce the extent of hardstanding proposed.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/01398	Erection of 4 new dwellings following demolition of the existing dwelling.	Refuse 23/10/2020	N/A
19/P/00866	Erection of two detached 4-bedroom dwellings following demolition of existing bungalow along with associated landscaping, parking and access.	Approve 30/08/2019	N/A
10/P/00692	Retention of a 2 metre high close boarded timber fence on southern boundary (facing Bennett Way)	Approve 05/10/2010	N/A

20/P/01398 - Reasons for refusal:

- 1) The proposed development by reason of the amount of development, limited plot size, and dominance of hardstanding to the front of the site, would have a detrimental impact on the character of the site and surrounding area, contrary to policy G5 and G11 of the saved Local Plan 2003, policy D1 of the Local Plan 2019 and paragraph 127 and 130 of the NPPF.
- 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 and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policies NE1 and NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) 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 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.

Consultations.

Statutory consultees

County Highway Authority:

- no objection, subject to conditions
- the Highway Extent Plan has been sought and confirms that the required visibility splays for the proposed access traverses land controlled by the Applicant and public highway.
- the Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Internal consultees

Operational Services:

- no objections
- we will not be entering this development so would expect residents to present bins at the edge of the property for collection from The Street.

West Clandon Parish Council

Objects to the application:

- parking concerns
- overdevelopment not constituting an appropriate form of limited infilling
- impact on scale and character of the site and surrounding area, will have a more detrimental impact than the approved scheme
- impact on the Green Belt
- conflict with the emerging Neighbourhood Plan
- if granted, important that a condition is attached to secure arrangements for construction vehicle parking to avoid parking / stopping on The Street (A247)

Third party comments:

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

- similar size of houses and hardstanding to front of site as refused application 20/P/01398
- insufficient turning space within the site
- overdevelopment
- not in keeping with surrounding houses
- loss of privacy and loss of light to 1 Bennett Way and properties in The Street
- increased noise impact due to intensification in the number of dwellings
- highway safety concerns
- density out of character with the village
- parking concerns / no allocation for visitor parking
- small plot sizes
- noise and disruption during construction
- negative impact on the street scene

- will add to existing traffic congestion
- increased congestion and noise from construction traffic

Following the receipt of amended plans 13 additional letters have been received reiterating the original comments and making the further points:

- three dwellings would still be out of keeping with the housing density in the area and detrimental to the surrounding area.

Planning policies.

National Planning Policy Framework (NPPF):

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

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites (2019):

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all

Policy P2: Green Belt

Policy P5: Thames Basin Heaths Special Protection Area

Policy D1: Place shaping

Policy D2: Climate change, sustainable design, construction and energy

Policy ID1: Infrastructure and delivery

Policy ID3: Sustainable transport for new developments

Policy ID4: Green and blue infrastructure

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 7.34 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. As this is over 85%, the buffer that needs to be applied to our five year housing supply (as set out in NPPF para 73) is now 5% rather than 20%. Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

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

G1	General Standards of Development
G5	Design Code
NE4	Species Protection

Supplementary planning documents:

GBC Vehicle Parking Standards SPD 2006/SCC Vehicular and Cycle Parking Guidance 2018
Climate Change, Sustainable Design, Construction and Energy SPD 2020
Planning Contributions SPD 2017
Thames Basin Heaths Special Protection Area Avoidance Strategy 2017
Technical housing standards - nationally described space standard 2015 (DCLG)

West Clandon Neighbourhood Plan

Planning considerations.

The main planning considerations in this case are:

- the principle of development and the impact on the Green Belt
- the impact on the scale and character of the site and surrounding area
- amenity and space standards
- the impact on neighbouring amenity
- highway / parking considerations
- sustainability and green and blue infrastructure
- TBHSPA and AA
- legal agreement requirements

The principle of development and the impact on the Green Belt

The site is located within the Green Belt and the identified settlement boundary of West Clandon as set out in Policy P2 of the newly adopted local plan.

Policy P2 sets out that development proposals within the Green Belt will be considered in accordance with the NPPF; paragraph 149 of the NPPF 2019 states that the construction of new buildings will be deemed inappropriate unless for the purpose of e) limited infilling in villages. Under Policy P2, this exception is further defined as (c)i. "limited infilling within the identified settlement boundaries, as designated on the Policies Map, of the following villages: West Clandon", where sites located within these identified areas should be considered within the 'village'.

The location of the site, a corner plot between Bennett Way and the established string of residential development along The Street that forms the linear village of West Clandon, can be considered to form part of the established village. The new local plan affirms that the site is situated within the identified settlement boundary. The proposed net gain of 2 small dwellings is, in this instance, considered to represent limited infilling within a village and the proposal is acceptable in principle, complying with Policy P2 and Chapter 13 of the NPPF 2019 in this respect.

It is important to note that planning permission has been granted for 2 x 4 bedroom dwellings on the site (following the demolition of the existing bungalow) under planning application 19/P/00866. This permission is extant and is a material consideration in the assessment of this current planning application.

The impact on the scale and character of the site and surrounding area

The local street scene is mixed in character due to the varying age and architectural styles of neighbouring properties. The development along Bennett Way comprises larger two storey dwellings with a similar form; whereas properties along The Street have no uniform character or appearance. The prominent feature of residential development along The Street is a verdant nature, with most dwellings set back from the road in reasonably wide plots.

The current scheme maintains the set back previously approved under application 19/P/00866; With the number of dwellings reduced from the plans originally submitted under this application from 4 to 3, the width of Plot 3 is now slightly narrower than that approved under 19/P/00866, and the plots widths for Plots 1 & 2 have increased compared to the refused scheme (20/P/01398), allowing increased spacing to the northern boundary with The Garth. The reduction in the number of units compared to the refused scheme has also increased the garden sizes for each of the proposed dwellings.

The overall footprint of development and scale of built form proposed under this application will be slightly less than proposed under the approved scheme (19/P/00866), albeit with an increase in the number of dwellings by virtue of the provision of a pair of 3 bedroom semi-detached dwellings on Plots 1 & 2 instead of a detached 4 bedroom dwelling. The scale and footprint of the detached dwelling proposed on Plot 3 is reduced compared to the dwelling proposed on this part of the site under the approved scheme (19/P/00866).

The extent of hardstanding for parking across the front of the site has been significantly reduced compared with the refused scheme (20/P/01398) which proposed almost the entire frontage to be taken up with hardstanding. This revised scheme (as amended) now incorporates significant areas of soft landscaping to the frontage, in keeping with the character of the surrounding properties. Details of the proposed landscaping can be secured by condition.

The proposed dwellings would be of a traditional design with pitched roofs and materials consisting of rendered elevations and clay tiled roofs. As such, the design of the dwellings would also be in keeping with the surrounding area. The ridge heights of the proposed dwellings would also be no taller than the adjacent dwellings.

It is therefore concluded that, due to the increased spacing now proposed around the new dwellings resulting from the reduction in the number of units and the subsequent reduction in hardstanding to the front of the site, this revised proposal has overcome the first reason for refusal attached to 20/P/01398 and the proposal would not have a detrimental impact on the character of the area and therefore accords with Policy D1 of the new Local Plan and saved Policies G5(2) and G5(7) of the saved Local Plan.

Amenity and space standards

Paragraph 127(f) of the NPPF 2019 states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy D1(4) of the new local plan states that all new development is expected to have regard to and perform positively against the recommendations set out in the latest Building for Life guidance and conform to the nationally described space standards (MHCLG 2015).

The submitted plans show overall internal floor areas of the proposed dwellings and the bedroom sizes comply with the nationally described space standards.

It is implicit in the proposal that the proposed dwellings would provide family homes within the established residential area of West Clandon. The application site is located in walking distance of public transport links, a public house, a primary school and a doctors surgery. The nearby railway station has a regular link to central Guildford and the A3 runs north of the village. The proposal is therefore found to have sufficient regard to the 'Integrating into the neighbourhood' principles of Building for Life 12.

The private amenity space per dwelling has been indicated on the proposed site layout plan, and the scheme is considered to provide reasonable outdoor amenity space for the scale of dwellings proposed. The proposal is found to be acceptable in terms of Policy D1(4) and paragraph 127 of the NPPF 2019.

The impact on neighbouring amenity

The Garth to the immediate north is well screened along the shared boundary. A good separation distance to plot 1 has also been achieved. The new dwelling would be positioned further forward within the application site than the dwelling at The Garth. Due to the separation distance and position of windows, it is considered that no overlooking or loss of light is expected from the new relationship created between these two properties.

To the immediate east is 1 Bennett Way. A minimum separation distance of approximately 9 metres can be achieved between the rear elevations of the proposed dwellings and the boundary with 1 Bennett Way, and approximately 14 metres to the flank elevation of 1 Bennett Way. These separation distances were considered acceptable under 19/P/00866. There is also a reasonable level of screening between these properties consisting of mature trees.

The rear elevations of the dwellings on Plots 1 and 2 incorporate two first floor bedroom windows (one for each dwelling) facing towards the rear garden of 1 Bennett Way and high level rooflights. The proposed dwelling on Plot 3 incorporates two first floor bedroom windows facing towards the flank elevation and front garden of 1 Bennett Way. Rooflights are also proposed and these can be conditioned to ensure they are positioned at high level.

Taking into account the separation distances, the boundary screening and the development approved under 19/P/00866 which also incorporated bedroom windows at first floor level, it is concluded that the proposal would not have an unacceptable impact in terms of adverse loss of privacy to 1 Bennett Way.

It is acknowledged that there may be some limited impact increased levels of noise generated from the site, however this is an acceptable level within the settlement boundary. The proposal is therefore considered acceptable in terms of saved Policy G1(3) of the Local Plan 2003.

Highway/parking considerations

Each property would have two parking spaces which is in line with the Council's parking standards. Covered cycle parking would also be provided for each dwelling in line with the Council requirements.

In terms of the existing and new access, and impact of the proposal on highway safety Surrey County Council has assessed the application and raised no objection, subject to suitable conditions. It is therefore considered that the proposal would not lead to conditions prejudicial to highway safety.

Concern has been raised regarding the proposed visibility splays encroaching on to a land which forms the visibility splays for neighbouring Bennetts Way and which it is stated belongs to the Bennetts Way Residents Association. However, the CHA has confirmed that the required visibility splays for the proposed access traverses land controlled by the Applicant and public highway.

Sustainability and green and blue infrastructure

As set out in the new local plan and the Council's Climate Change, Sustainable Design, 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. No details of the proposed sustainability measures have been submitted with the application; however, it is possible to secure these measures by condition to ensure compliance with Policy D2.

It is a requirement of new Policy ID4 that new development aims to deliver biodiversity gains where appropriate. No details of biodiversity enhancement measures have been submitted, but this information can again be provided as part of a condition to ensure that the development provides some gains to local biodiversity, e.g. bird or bat boxes as a small-scale example. This requirement could also be addressed through a detailed landscaping plan supporting native species and insect- or animal-friendly habitats. There is only limited landscaping information provided with the scheme and as mentioned above, a condition is recommended to ensure full details of the proposed landscaping are submitted to the LPA for approval. Subject to these recommended conditions, the scheme complies with Policy ID4 and saved Policy G5(9) which remains extant.

Thames Basin Heaths Special Protection Area (TBHSPA) 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 application proposes a net increase of 2 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

As part of the application process the Council 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 (NE) has advised that it will not object to an Appropriate Assessment (AA) undertaken which concludes no adverse effects on the integrity of the TBHSPA due to measures being secured and required to be put in place through a legal agreement and accord with the provisions of the Development Plan and the adopted Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017.

The applicant has agreed to enter into a legal agreement to secure the necessary contributions. As such, it is concluded that the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy 2017 and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Legal agreement requirements

The three tests as set out in Regulation 122(2) 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 2 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. 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. 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 S.106 agreement meets the three tests set out above. Provided that a S.106 agreement is in place to mitigate against the likely significant effect on the TBHSPA, the proposed development would be considered acceptable in planning terms in this regard.

Conclusion.

It is considered that the proposal constitutes limited infilling within a village and therefore constitutes appropriate development within the Green Belt. The scale, height and design of the proposed dwellings as shown on the amended plans would be in keeping with the character of the surroundings and there would be no adverse impact on neighbouring amenity. Sufficient car parking is proposed and there are no concerns regarding any adverse impacts on highway safety.

The necessary SANG and SAMM contributions will be secured by way of a S106 agreement to ensure any adverse impact on the TBHSPA is adequately mitigated.

The application is therefore recommended for approval subject to conditions and S106 agreement.