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Contact Officer:

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31 August 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 8 SEPTEMBER 2021 at 7.00 pm.**

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor Fiona White  
Vice-Chairman: Councillor Colin Cross

Councillor Jon Askew  
Councillor Christopher Barrass  
Councillor David Bilbé  
Councillor Chris Blow  
Councillor Ruth Brothwell  
Councillor Angela Goodwin

Councillor Angela Gunning  
Councillor Liz Hogger  
The Mayor, Councillor Marsha Moseley  
Councillor Ramsey Nagaty  
Councillor Maddy Redpath  
Councillor Pauline Searle  
Councillor Paul Spooner

**Authorised Substitute Members:**

Councillor Tim Anderson  
Councillor Richard Billington  
The Deputy Mayor, Councillor Dennis Booth  
Councillor Graham Eyre  
Councillor Guida Esteves  
Councillor Andrew Gomm  
Councillor Steven Lee  
Councillor Nigel Manning  
Councillor Ted Mayne

Councillor Bob McShee  
Councillor Susan Parker  
Councillor Jo Randall  
Councillor Tony Rooth  
Councillor Will Salmon  
Councillor Deborah Seabrook  
Councillor Cait Taylor  
Councillor James Walsh  
Councillor Catherine Young

**QUORUM 5**



## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### Three fundamental themes and nine strategic priorities that support our vision:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
|                     | Making travel in Guildford and across the borough easier   |
|                     | Regenerating and improving Guildford town centre and other urban areas   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need       |
|                     | Creating smart places infrastructure across Guildford  |
|                     | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services             |

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

## AGENDA

### **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

### **2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3 MINUTES (Pages 13 - 24)**

To confirm the minutes of the meeting of the Committee held on 11 August 2021 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

### **4 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

### **5 PLANNING AND RELATED APPLICATIONS (Pages 25 - 26)**

All current applications between numbers 18/P/02456 and 21/P/00535 which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

5.1 **18/P/02456 - Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH (Pages 27 - 98)**

5.2 **20/P/01359 - Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley, Leatherhead, KT24 6JS (Pages 99 - 110)**

5.3 **20/P/01461 - Land at Ash Manor, Ash Green Road, Ash, Guildford, GU12 6HH (Pages 111 - 140)**

5.4 **20/P/02042 - Cheynes, Brook Lane, Albury, Guildford, GU5 9DH (Pages 141 - 152)**

5.5 **21/P/00153 - 20 Pit Farm Road, Guildford, GU1 2JL (Pages 153 - 166)**

5.6 **21/P/00378 - 227 High Street, Guildford, GU1 3BJ (Pages 167 - 176)**

5.7 **21/P/00404 - Goodhart-Rendel Community Hall, Cranmore Lane, West Horsley, Leatherhead, KT24 6BT (Pages 177 - 202)**

5.8 **21/P/00535 - Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW (Pages 203 - 220)**

**6 PLANNING APPEAL DECISIONS** (Pages 221 - 222)

Committee members are asked to note the details of Appeal Decisions as attached at Item 6.

**WEBCASTING NOTICE**

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

## **NOTES:**

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's report virtually by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see online. For members of the public, able to dial into the meeting, copies of the presentation will be loaded onto the website to view and will be published on the Tuesday of the same week prior to the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Office Teams to attend online or via a telephone number and conference ID code as appropriate to the public speakers needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure all public speakers are online. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the Democratic Services Officer by no later than midday the day before the meeting. In such circumstances, the DSO will read out their speech. Alternatively, public speakers may wish to attend the meeting in person in the Council Chamber. Public speakers must observe social distancing rules.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to speak on an application, either in or outside of their ward, will be then allowed for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes and will have joined the meeting remotely via MSTeams. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak and send the DSO a copy of their speech so it can be read out on their behalf should they lose their wi-fi connection.] If the application is deferred, any councillor(s) who are not member(s) of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.
5. The Chairman will then open up the application for debate. The Chairman will ask which councillors wish to speak on the application and determine the order of speaking accordingly. At the end of the debate, the Chairman will check that all members had had an opportunity to speak should they wish to do so.
  - (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The DSO will advise when there are 30 seconds remaining and when the three minutes has concluded;
  - (b) No councillor to speak more than once during the debate on the application;

- (c) Members shall avoid repetition of points made earlier in the debate.
- (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
- (e) Once the debate has concluded, the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried then the Chairman will ask for a second alternative motion to be put to the vote. The vote will be taken by roll call or by affirmation if there is no dissent

In any case where the motion is contrary to officer recommendation that is:

- Approval to refusal, or;
- Refusal to approval;
- Or where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission. The following procedure shall be followed:
  - Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion the Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken by roll call or by affirmation, if there is no dissent.
- (f) A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for further information/advice backed by supporting reasons).
- (g) Technical difficulties during the meeting. If the Chairman or the DSO identifies a failure of the remote participation facility and a connection to a Committee Member is lost during the meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, provided that it remains quorate. If the Member who was disconnected is subsequently re-connected and they have missed any part of the debate on the matter under discussion, they will not be able to vote on that matter as they would not have heard all the facts.

6. Unless otherwise decided by a majority of councillors present and voting by roll call at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm.

Any outstanding items not completed by the end of the meeting shall be adjourned to the reconvened or next ordinary meeting of the Committee.

7. In order for a planning application to be referred to the full Council for determination in its capacity as the Local Planning Authority, a councillor must first with a seconder, write/email the Democratic Services Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. The matter would then be placed as an agenda item for consideration at the next Planning Committee meeting. The proposer and seconder would each be given three minutes to state their case. The decision to refer a planning application to the full Council will be decided by a majority vote of the Planning Committee.

### **GUIDANCE NOTE For Planning Committee Members**

#### **Probity in Planning – Role of Councillors**

Councillors on the Planning Committee sit as a non-judicial body, but act in a semi-judicial capacity, representative of the whole community in making decisions on planning applications. They must, therefore:

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoid pre-conceived opinions;
3. carefully weigh up all relevant issues;
4. determine each application on its individual planning merits;
5. avoid undue contact with interested parties; and
6. ensure that the reasons for their decisions are clearly stated.

The above role applies to councillors who are nominated substitutes on the Planning Committee. Where a councillor, who is neither a member of, nor a substitute on the Planning Committee, attends a meeting of the Committee, he or she is also under a duty to act fairly and openly and avoid any actions which might give rise to an impression of bias or undue influence.

Equally, the conduct of members of any working party or committee considering planning policy must be similar to that outlined above relating to the Planning Committee.

#### **Reason for Refusal**

How a reason for refusal is constructed.

A reason for refusal should carefully describe the harm of the development as well as detailing any conflicts with policies or proposals in the development plan which are relevant to the decision.

When formulating reasons for refusal Members will need to:

- (1) Describe those elements of the proposal that are harmful, e.g. bulk, massing, lack of something, loss of something.
- (2) State what the harm is e.g. character, openness of the green belt, retail function and;
- (3) The reason will need to make reference to policy to justify the refusal.

### **Example**

The proposed change of use would result in the loss of A1 retail frontage at Guildford Town Centre, which would be detrimental to the retail function of the town and contrary to policy SS9 in the Guildford Local Plan.

### **Reason for Approval**

How a reason for approval is constructed.

A reason for approval should carefully detail a summary of the reasons for the grant of planning permission and a summary of the policies and proposals in the development plan, which are relevant to the decision.

Example:

The proposal has been found to comply with Green Belt policy as it relates to a replacement dwelling and would not result in any unacceptable harm to the openness or visual amenities of the Green Belt. As such the proposal is found to comply with saved policies RE2 and H6 of the Council's saved Local Plan and national Green Belt policy in the NPPF.

### **Reason for Deferral**

Applications should only be deferred if the Committee feels that it requires further information or to enable further discussions with the applicant or in exceptional circumstances to enable a collective site visit to be undertaken.

Clear reasons for a deferral must be provided with a summary of the policies in the development plan which are relevant to the deferral.

## **APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR CONSIDERATION BY THE PLANNING COMMITTEE**

### **NOTES:**

#### **Officers Report**

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site location plan;
- Site Description;
- Proposal;
- Planning History;
- Consultations; and
- Planning Policies and Considerations.

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in each report.

#### **Written Representations**

Copies of representations received in respect of the applications listed are available for inspection by Councillors at the plans viewing session held prior to the meeting and will also be available at the meeting. Late representations will be summarised in a report which will be circulated at the meeting.

Planning applications and any representations received in relation to applications are available for inspection at the Planning Services reception by prior arrangement with the Head of Planning Services.

#### **Background Papers**

In preparing the reports relating to applications referred to on the Planning Committee Index, the Officers refer to the following background documents:-

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

## **Human Rights Act 1998**

The Human Rights Act 1998 (the 1998 Act) came into effect in October 2000 when the provisions of the European Convention on Human Rights (the ECHR) were incorporated into UK Law.

The determination of the applications which are the subject of reports are considered to involve the following human rights issues:

- 1 Article 6(1): right to a fair and public hearing

In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the hearing in certain circumstances (e.g. in the interest of morals, strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.)

- 2 Article 8: right to respect for private and family life (including where the article 8 rights are those of children s.11 of the Children Act 2004)

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

s.11 of the Childrens Act 2004 requires the Council to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Furthermore, any services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must likewise be provided having regard to the need to safeguard and promote the welfare of children.

- 3 Article 14: prohibition from discrimination

The enjoyment of the rights and freedoms set out in the ECHR shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 4 Article 1 Protocol 1: protection of property;

Every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the state retains the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- 5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR must be just and proportionate to the objective in question and must not be arbitrary,

unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

### **Costs**

In planning appeals the parties involved normally meet their own costs. Most appeals do not result in a costs application. A costs award where justified is an order which states that one party shall pay to another party the costs, in full or part, which has been incurred during the process by which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

- A party has made a timely application for costs
- The party against whom the award is sought has behaved unreasonably; and
- The unreasonable behaviour has directly caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process a full or partial award is likely.

The word "unreasonable" is used in its ordinary meaning as established in the courts in *Manchester City Council v SSE & Mercury Communications Limited 1988 JPL 774*. Behaviour which is regarded as unreasonable may be procedural or substantive in nature. Procedural relates to the process. Substantive relates to the issues arising on the appeal. The authority is at risk of an award of costs against it if it prevents or delays development, which should clearly be permitted having regard to the development plan. The authority must produce evidence to show clearly why the development cannot be permitted. The authority's decision notice must be carefully framed and should set out the full reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. The Planning authority must produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If the authority cannot do so it is at risk of a costs award being made against it for unreasonable behaviour. The key test is whether evidence is produced on appeal which provides a respectable basis for the authority's stance in the light of *R v SSE ex parte North Norfolk DC 1994 2 PLR 78*. If one reason is not properly supported but substantial evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

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## PLANNING COMMITTEE

\* Councillor Fiona White (Chairman)  
Councillor Colin Cross (Vice-Chairman)

- |                                  |                                      |
|----------------------------------|--------------------------------------|
| * Councillor Jon Askew           | * Councillor Angela Gunning          |
| * Councillor Christopher Barrass | Councillor Liz Hogger                |
| Councillor David Bilbé           | The Mayor, Councillor Marsha Moseley |
| * Councillor Chris Blow          | * Councillor Ramsey Nagaty           |
| * Councillor Ruth Brothwell      | * Councillor Maddy Redpath           |
| * Councillor Angela Goodwin      | * Councillor Pauline Searle          |
|                                  | * Councillor Paul Spooner            |

\*Present

Councillors Bob McShee, Deborah Seabrook and Catherine Young, were also in attendance.

### **PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors David Bilbé, Colin Cross, Liz Hogger and The Mayor, Councillor Marsha Moseley. Councillors Tim Anderson and Graham Eyre were in attendance as substitutes for Councillors Colin Cross and the Mayor, Councillor Marsha Moseley respectively.

### **PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

Councillor Ruth Brothwell declared a non-pecuniary disclosable interest in application 21/P/01106, The Old Cottage, Broad Street, Guildford, GU3 3BE. She would speak in her capacity as ward councillor for that application and then withdraw from the meeting for the duration of the debate as well as the vote taken.

### **PL3 MINUTES**

The minutes of the Planning Committee held on 9 June and 14 July 2021 were approved and signed by the Chairman as a true record.

### **PL4 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL5 DEFERRED - 21/P/00535 - LAND BETWEEN SMUGGLERS END AND MERLINS, SMUGGLERS WAY, THE SANDS, FARNHAM, GU10 1LW**

The Committee noted that the above application had been deferred owing to late information being received from the AONB Advisor and CPRE. The application would come back to the Committee at a later date.

**PL6      21/P/00339 - ELM COTTAGE, THE STREET, WEST CLANDON, GUILDFORD, GU4  
7TG**

The following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Miles Palmer (to object)

The Committee considered the above-mentioned full application for erection of one pair of semi-detached dwellings and one detached dwelling, following the demolition of detached bungalow, with associated access, parking and landscaping.

The Committee was informed by the Specialist Development Management (Applications) Officer, Becky Souter that the proposal related to Elm Cottage which was a detached bungalow located off The Street in West Clandon. The site benefitted from extant planning permission to construct two detached dwellings. The surrounding area was characterised by properties of various styles, designs and sizes. The density within the area differed as there were areas of fairly dense development particularly to the north of the site. The application included the formation of a new access to serve the detached unit whilst the existing access would serve the two semi-detached units. The County Highway Authority had assessed the proposal and were satisfied that this would not have a material impact on highway safety. The proposed access would replicate what had been approved under the 2019 permission which could be implemented at any time. There were significant areas of soft landscaping to the front of the dwellings incorporated within the layout which would soften the impact upon the streetscene and respected the character of the surrounding properties. The elevations of plot 3 were of similar design to plots 1 and 2 with a fully pitched roof and side gable ends. The dormer style was replicated and was the same design as approved in the 2019 scheme with the exception of the single storey side element.

The proposed street scene allowed an appreciation of the similarities in design of the units such as when compared with the side elevation of the neighbouring dwelling on Bennett Way. The height of the proposed dwellings would be lower than the ridge heights of the immediate neighbours and therefore would not dominate but instead provided a gradual step up in height appropriate for its corner location. When comparing the approved scheme and extant scheme to the proposed the spacing to the boundaries and in between the dwellings had been increased from the approved scheme. The proposal would therefore not take up any significantly greater area of the plot but instead deliver three units, two three-bed dwellings and one four-bed unit compared to two four-bed units. The application having been assessed by officers and statutory consultees had found that the proposal was acceptable in policy terms and recommended it for approval subject to the completion of a S106 Agreement to secure a SANG and SAMM contribution.

The Chairman permitted Councillor Catherine Young to speak in her capacity as Ward Councillor for three minutes.

The Planning Officer confirmed in response to concerns raised by the public speaker and ward councillor about the size of the parking spaces and the ability of cars to be able to leave the site in forward gear had been assessed by the County Highway Authority as acceptable and therefore the Council could not object to the scheme on that basis. The site had already been assessed by the Planning Inspectorate as one of limited infilling. Whilst the existing bungalow onsite was large it was also surrounded by much smaller properties on smaller plots and therefore was not out of character with the surrounding area.

The Committee discussed the application and noted that the creation of two three-bed dwellings by splitting one of the properties was a positive given the demand for smaller more

affordable dwellings in Guildford. The size of parking spaces was managed by Guildford Borough Council and not the County Highway Authority and further clarification was sought in relation to that.

The Committee noted comments that the Council needed to have a proper infilling policy so that this could have been contested from the outset. The proposal would have a detrimental impact on the character of the site and surrounding area as per policy G5, D1, NE1, NE4 and did not meet regulation 62 of the Habitats and Species Regulations. Making a SANG contribution did not absolve the issue that the proposal was out of scale with the neighbouring dwellings and would have an adverse impact on the character of the countryside and local impact. The houses in West Clandon were generally large and set within large plots which this scheme did not reflect.

The Committee was sympathetic to the concerns raised regarding having to manoeuvre a car onto a busy road from the proposed site and considered that it might contravene the 2006 Parking Standards.

The Committee considered comments made that a lot of the issues of concern raised had already been addressed as part of the extant permission. No significant material changes had been made apart from the splitting up of one house into two three-bed dwellings which would go further to meeting the local housing need in the area.

In response to concerns raised, the Specialist Development Manager (Majors), Kelly Jethwa confirmed that the County Highway Authority had assessed the scheme and concluded that it did not represent a safety risk and could therefore not be pursued as a reason by the Council. It was also noted that the officers would have also looked at the size of the parking spaces which were in accordance with the existing parking standards.

The Committee agreed that owing to the additional dwellings created on plots 1 and 2, this had resulted in a significant over-development of the site which created additional hardstanding that was detrimental to the Special Protection Area, was not in keeping with the character of the village and created small gardens that were not typical of the area.

A motion was moved and seconded to approve the application which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	Graham Eyre	X		
3	Christopher Barrass		X	
4	Angela Goodwin	X		
5	Maddy Redpath		X	
6	Ramsey Nagaty		X	
7	Tim Anderson		X	
8	Paul Spooner	X		
9	Pauline Searle		X	
10	Ruth Brothwell		X	
11	Fiona White	X		
12	Angela Gunning	X		
13	Chris Blow		X	
	<b>TOTALS</b>	<b>6</b>	<b>7</b>	<b>0</b>

A subsequent motion was moved and seconded to refuse the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning		X	
2	Angela Goodwin		X	
3	Paul Spooner		X	
4	Tim Anderson	X		
5	Chris Blow	X		
6	Ruth Brothwell	X		
7	Ramsey Nagaty	X		
8	Maddy Redpath	X		
9	Fiona White		X	
10	Graham Eyre		X	
11	Jon Askew		X	
12	Pauline Searle	X		
13	Christopher Barrass	X		
	<b>TOTALS</b>	<b>7</b>	<b>6</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to refuse application 21/P/00339 for the following reasons:

1. The proposed development on plots 1 and 2 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 policies G1 and G5 of the saved Local Plan 2003, policy D1 of the Local Plan: Strategy and Sites, 2015-2034, paragraphs 130 and 134 of the NPPF, 2021 and the requirements of the National Design Guide, 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 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.

**PL7 21/P/01106 - THE OLD COTTAGE, BROAD STREET, GUILDFORD, GU3 3BE**

The following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Evan Leighton-Davis (to object) (read by the Democratic Services Officer);
- Mr Tim Wood (in support) and;
- Mr Andrew Badosz (Agent) (in support)

The Committee considered the above-mentioned full application for erection of a single storey garden office outbuilding (retrospective application).

The Committee was informed by the Development Management Majors Lead, Paul Sherman, that the garden building which had been built retrospectively was to be used in association with the host dwelling. The application had been referred to committee as more than 10 letters of support had been received contrary to the officer's recommendation. The development was for the construction of a new building in the Green Belt and as such constituted inappropriate development. The development was harmful by definition and also adversely impacted on the openness of the Green Belt which decision makers were required to afford substantial weight to. Planning officers had concluded that the development would not result in harm to the character of the area, or to the adjoining properties or highway safety, however the absence of harm did not in itself weigh in favour of granting planning permission.

Planning permission could only be granted where very special circumstances would clearly outweigh the harm caused to the Green Belt by virtue of the inappropriate development. The applicant had advanced considerations that they felt individually or cumulatively amounted to very special circumstances. These were that a very similar or larger building to that which was subject of this application could be erected under permitted development, known as the fallback position. Additionally, the personal circumstances justified granting planning permission. With regard to the fallback position, the current building did require planning permission. Whether or not a similar building could be erected under permitted development had not been established without a Lawful Development Certificate and would not necessarily be preferable in planning terms to allow the current proposal as an alternative to any fallback position. Planning officers therefore considered that this should be afforded little weight. The personal circumstances had been summarised in a letter sent from the applicant's agent to planning committee members and the Committee was therefore asked to avoid discussing the details of those personal circumstances in the debate. Planning officers considered that the personal circumstances were a significant material consideration that did weigh in favour of granting planning permission.

The Chairman permitted Councillors Ruth Brothwell and Bob McShee to speak in their capacity as ward councillors for three minutes each respectively. Councillor Brothwell left the Council Chamber after she spoke, for the duration of the debate and vote taken in relation to this item owing to the non-disclosable pecuniary interest she declared in the application.

The Committee considered concerns raised that the applicant had made a genuine mistake in constructing the outbuilding, thinking they were able to do so under Permitted Development Rights. Whilst it was acknowledged that the building had been erected retrospectively in the Green Belt, it was also very small in size, unobtrusive and could not be seen by neighbours. The Committee agreed that very special circumstances existed which outweighed the harm that would be caused to the Green Belt. The applicant had also offered the removal of Class E Permitted Development Rights which the Committee agreed should only be removed in respect of outbuildings.

A motion was moved and seconded to refuse the application which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow		X	
2	Jon Askew		X	
3	Angela Goodwin		X	
4	Angela Gunning		X	
5	Ramsey Nagaty		X	
6	Graham Eyre		X	
7	Fiona White		X	
8	Chris Barrass		X	
9	Maddy Redpath		X	
10	Pauline Searle		X	
11	Tim Anderson		X	
12	Paul Spooner		X	
	<b>TOTALS</b>	<b>0</b>	<b>12</b>	<b>0</b>

A subsequent motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning	X		
2	Pauline Searle	X		
3	Graham Eyre	X		
4	Paul Spooner	X		
5	Ramsey Nagaty	X		
7	Maddy Redpath	X		
8	Chris Blow	X		
9	Fiona White	X		
10	Tim Anderson	X		
12	Angela Goodwin	X		
13	Jon Askew	X		
14	Christopher Barrass	X		
	<b>TOTALS</b>	<b>12</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/01106 subject to the following conditions and reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: AS BUILT PLANS AND ELEVATIONS – GARDEN STUDIO, BLOCK PLAN and LOCATION PLAN received on 17 May 2021.

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

2. 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 E shall be carried out on the dwellinghouse hereby permitted or within their curtilage.

Reason: The outbuilding approved constitutes inappropriate development within the Green Belt, there are special circumstances which, subjected to the condition imposed, clearly outweigh the harm that would be caused.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

Pre-application advice was not sought prior to submission and the application was considered unacceptable, however due to special circumstances was allowed at committee.

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

3. The applicants attention is drawn to the officers comments, the development by virtue of being a new building within the green belt is considered unacceptable, the very special circumstances identified have been considered to outweigh the harm to the green belt and therefore make the application acceptable.

**PL8      20/P/02011 - 34 FITZJOHN CLOSE, GUILDFORD, GU4 7HB**

The Committee considered the above-mentioned full application for erection of a rear conservatory (part retrospective).

The Committee was informed by the Specialist Development Management (Applications) officer, Sakina Khanbhai that the application sought retrospective planning permission for a single storey rear extension. There was already an extant permission in place approved last year. The current application had been submitted to include brickwork below ground level to show the damp course level. The application site was comprised of a two-storey semi-detached dwelling located in the urban area of Guildford. The line of the existing fence was assessed by the planning officer as part of a site visit. The extension measured 3.3m in depth

by 3.6 metres in width. The current plan showed a damp proof course level, finished floor level and ground level which was omitted from the extant permission. The additional brickwork was below the finished floor level of the extension, underneath the door openings and included the DPC level. The height of the extension was 3.5 metres when including the DPC level below ground level. It was important to note that the height and positioning of the extension was no different to the extant permission, the material difference was that the ground level had been dug out to show the DPC level, however the height of the extension had not changed. The measurements taken on site were in accordance with the drawings submitted under the current application. The application was considered by the planning officer to be acceptable in terms of design and scale and would not result in detrimental harm to neighbouring amenities and was therefore recommended for approval.

The Chairman permitted Councillor Deborah Seabrook to speak in her capacity as ward councillor for three minutes.

The Committee considered concerns raised that permitted development rights had been removed from this street owing to the small nature of the properties and the negative impact extensions of this kind would have upon neighbouring amenities. The extension would also cause a significant loss of light contravening the 45-degree angle. The plans submitted originally for this application were misleading as the dimensions gave the impression that it was lower than a previously refused application because it omitted the section below the damp proof course. It was recommended that the application was deferred so that its height could be amended.

The Specialist Development Management (Majors) Officer, Kelly Jethwa confirmed that an amended application was not what was before the committee, rather the Committee had to make a decision based upon the application before it now.

The Committee discussed the application and noted comments that the eaves level appeared to be the same as the extant permission. It was recognised that it was unfortunate that the plans had not been amended. The Committee noted that the original plans had failed to indicate the DPC level. Planning officers measured the height from the ground level and the height of the extension had not in fact changed. The Committee was concerned regarding the loss of light caused to the neighbouring property. The plans were as submitted showing a brick wall up to the eaves. The Committee asked if light was measured before and after a development and was confirmed that planning officers did not do that. The SPD requirement was the BRE 45-degree angle assessment which in this case was breached but was not considered to be materially harmful enough and was the same as the extant permission.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Goodwin	X		
2	Fiona White	X		
3	Chris Blow	X		
4	Paul Spooner	X		
5	Christopher Barrass	X		
6	Ramsey Nagaty	X		
7	Tim Anderson	X		
8	Ruth Brothwell	X		
9	Jon Askew	X		
10	Pauline Searle	X		
11	Angela Gunning	X		
12	Graham Eyre	X		
13	Maddy Redpath	X		
	<b>TOTALS</b>	<b>13</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 20/P/02011 subject to the conditions and reasons as detailed in the report.

**PL9      21/P/00542 - ALDERSHOT ROAD ALLOTMENT SITE, WOODSIDE ROAD, GUILDFORD**

The Committee considered the above-mentioned full application for a variation of condition 2 (approved plans) and 3 (arboricultural method statement) of planning permission 20/P/00478, approved on 20/05/2020, to allow the creation of a footpath alongside the approved access and the submission of an updated arboricultural method statement.

The Committee received a presentation by the planning officer, Paul Sherman that the application sought a variation to allow for the creation of a pedestrian footway from Woodside Road into the site and as this was only a minor material amendment the only relevant consideration was the effect of the change proposed. It was not appropriate to consider the matters which led to the grant of the original planning application. The application had been referred to the Planning Committee as the Council was the applicant and the Committee determined the original application for the allotment site.

The proposed amendment sought to create a footpath adjacent to the new access serving the site. The proposal would not result in any greater tree loss than the previously approved scheme. The scheme would also result in an improved access arrangements for pedestrians accessing the site and would not give rise to any highway safety concerns.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow	X		
2	Chris Barrass	X		
3	Ruth Brothwell	X		
4	Jon Askew	X		
5	Angela Gunning	X		
6	Paul Spooner	X		
7	Maddy Redpath	X		
8	Ramsey Nagaty	X		
9	Pauline Searle	X		
10	Fiona White	X		
11	Graham Eyre	X		
12	Tim Anderson	X		
13	Angela Goodwin	X		
	<b>TOTALS</b>	<b>13</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00542 subject to the conditions and reasons as detailed in the agenda.

**PL10 21/P/00812 - 36 RAILTON ROAD, GUILDFORD, GU2 9LX**

The Committee considered the above-mentioned full application for single storey rear conservatory extension and enlargement of second floor dormer.

The Committee was informed by the Specialist Development Management (Applications) Officer, Sakina Khanbhai that the application had been referred to the Planning Committee by the Head of Place as the application had been submitted by a member of staff. The application site was comprised of a mid-terrace three storey property located in the urban area of Guildford and the application sought permission for the erection of a ground floor infill extension and enlargement of an existing rear facing dormer window. No objections had been received in relation to the widening of the dormer enlargement and was not considered to impact upon the scale, character and neighbouring amenities.

The Committee noted concerns raised that the proposed extension would contravene the 45-degree angle. Clarification was sought from planning officers over how harmful the extension would be to the neighbour's enjoyment of their amenities. It was confirmed by the planning officers that the ground floor rear extension did infringe upon the 45-degree line however it was a lightweight structure, glazed, with a modest projection and therefore not considered to have an unacceptable impact. The enlargement of the dormer with regard to its siting and positioning within the roofslope was sufficient to not be out of keeping with the character of the area. Additionally, very clear guidance was outlined in the Council's SPD Alterations and Extensions document which stated that a dormer should not dominate the roofslope. In this case the dormer was well designed and did not dominate the roofslope owing to it being set back from the eaves and shared boundaries with the adjoining terraces. The Committee agreed that the proposed extension was in keeping and proportionate to the neighbouring terraced properties.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Graham Eyre	X		
3	Angela Gunning	X		
4	Chris Barrass	X		
5	Chris Blow	X		
6	Ruth Brothwell	X		
7	Paul Spooner			X
8	Jon Askew	X		
9	Maddy Redpath	X		
10	Ramsey Nagaty			X
11	Angela Goodwin	X		
12	Tim Anderson	X		
13	Pauline Searle	X		
	<b>TOTALS</b>	<b>11</b>	<b>0</b>	<b>2</b>

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00812 subject to the conditions and reasons as detailed in the report.

**PL11 PLANNING APPEAL DECISIONS**

The Planning Committee had no comments in relation to the appeals and noted them.

The meeting finished at 9.09 pm

Signed .....

Chairman

Date .....

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Agenda item number: 5

**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**  
**08/09/2021**

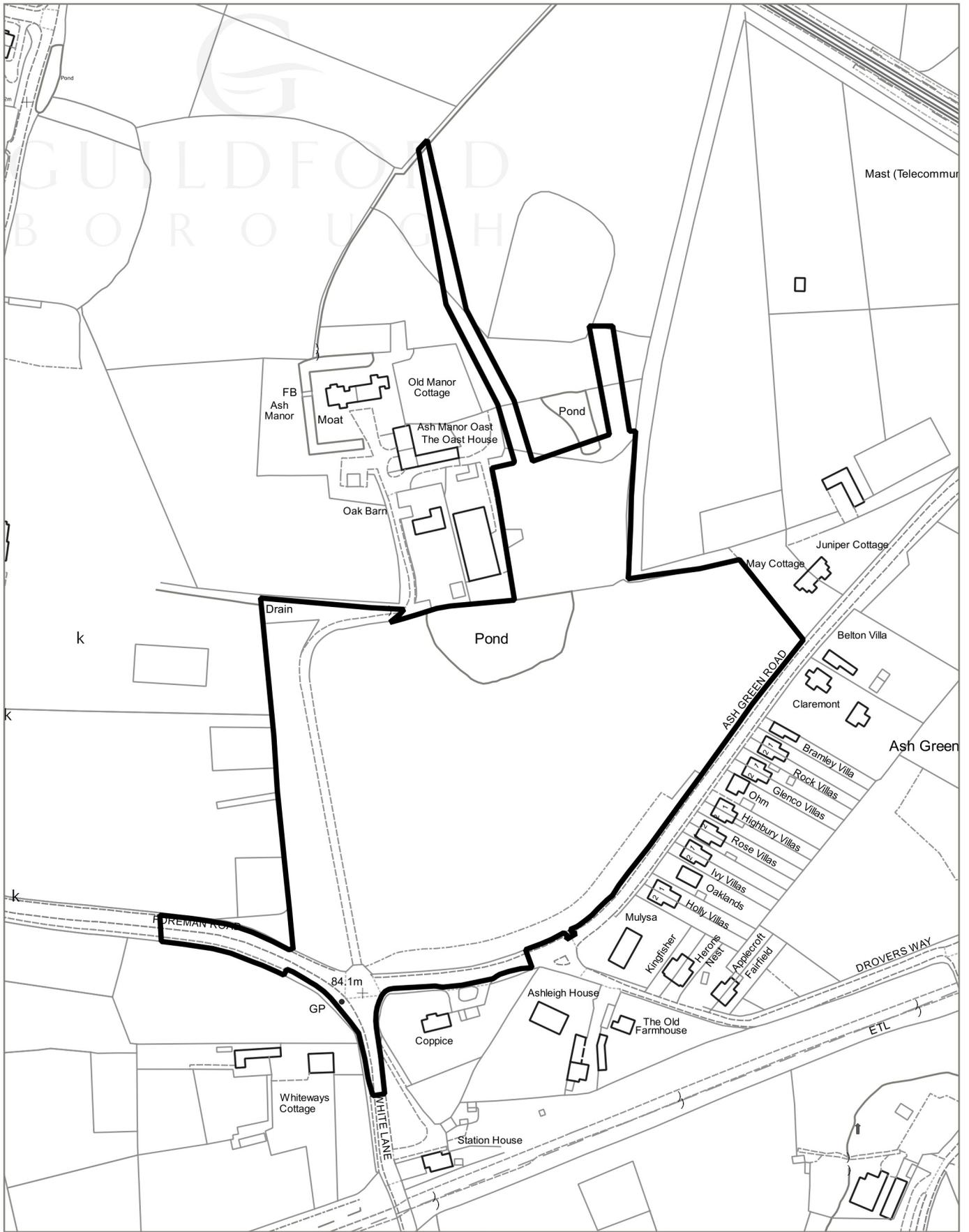
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Ash South and Tongham	Bewley Homes Ltd, c/o Agent	Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH	18/P/02456	S106	27.
5.2	West Horsley	It's the Dogs Ltd, 15 High Street	Land North of Hambledon Cottage and East of Ripley Lane, West Horsley, Leatherhead, KT24 6JS	20/P/01359	APPC	99.
5.3	Ash South and Tongham	Bewley Homes Ltd, c/o Agent	Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH	20/P/01461	S106	111.
5.4	Albury	Mrs Dyer, Cheynes	Cheynes, Brook Lane, Albury, Guildford, GU5 9DH	20/P/02042	APPC	141.
5.5	Christchurch	Mr F. Fernandez, 20 Pit Farm Road	20 Pit Farm Road, Guildford, GU1 2JL	21/P/00153	REF	153.
5.6	Holy Trinity	MALTBY MRTPI	227 High Street, Guildford, GU1 3BJ	21/P/00378	REF	167.
5.7	West Horsley	Black Onyx Capital Limited (formerly West Horsley Residential Limited) c/o Agent	Goodhart-Rendel Community Hall, Cranmore Lane, West Horsley, Leatherhead, KT24 6BT	21/P/00404	APPC	177.
5.8	Seale	MPK Farnham Ltd, Sherwood House	Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW	21/P/00535	APPC	203.

**Total Applications for Committee**

**8**

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# 18/P/02456 - Land At Ash Manor, Ash Green Road, Ash Green, Guildford



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Print Date: 25/08/2021



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GUILDFORD  
BOROUGH

18/P/02456 - Land at Ash Manor, Ash Green Road, Ash Green,



Not to scale

**App No:** 18/P/02456 **8 Wk Deadline:** 18/06/2021  
**Appn Type:** Full Application  
**Case Officer:** John Busher  
**Parish:** Ash **Ward:** Ash South & Tongham  
**Agent :** Mr D Neame **Applicant:** Mr Morris  
Neame Sutton Ltd Bewley Homes Ltd  
West Suite, Coles Yard Barn c/o Agent  
North Lane  
Clanfield  
PO8 0RN

**Location:** Land at Ash Manor, Ash Green Road, Ash Green, Guildford, GU12 6HH

**Proposal:** Erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road, White Lane and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area contains a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. Adjoining the site to the north is a small complex of buildings which is known as Ash Manor which contains a number of dwellings and farm structures. The largest building within the complex is Grade II\* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

The proposal is for the construction of a total of 69 dwellings on the site, of which 28 would be affordable. A large area of open space is being created for future residents of the scheme.

### **Summary of considerations and constraints**

This is an allocated site which is now designated as being part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The Local Planning Authority has also considered the cumulative harm resulting from this and other recently approved developments in the local area. Taking the cumulative harm into account, the overall level of harm has been identified as being at the lower to middle end of less than substantial.

The proposal would not result in any material harm to the character of the area. A landscaped buffer is to be retained and supplemented along Ash Green Road and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. The application would provide a net gain of 69 residential units, which would be in accordance with housing delivery commitments in the adopted Local Plan 2019. This includes the provision of 28 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The proposal would also retain T67 which is a veteran tree and this would result in its longer term proper management and maintenance.

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the Nationally Described Space Standards (NDSS). There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, flooding, trees, ecology, archaeology and sustainable construction.

Members will be aware that the Planning Committee have previously resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The Hearing took place on 17 and 18 November 2020 and Mrs Justice Lang handed down her Judgement on 08 December 2020.

The Council was successful in defending Grounds 2 and 3. However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 [now 199 and 200] both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled. As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang. The new report also takes into account other material considerations which have arisen since the original determination, including views expressed by consultees and members of the public which were received as part of the full re-consultation which was carried out in March/April 2021 and July 2021. In addition, the report takes into account further changes which have been made to the application including the retention of T67 and its integration into the development as well as the additional information submitted by the applicant with regard to air quality, flooding and landscaping. The report should be read afresh and as a whole and it is this report which Members should base their decision on.

**RECOMMENDATION:**

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

- **the delivery of 28 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);**
- **provision of SAMM contributions;**
- **provision of SANG land to mitigate the impact of the development on the TBHSPA;**
- **contribution towards Police infrastructure;**
- **contribution towards early years, primary and secondary education projects;**
- **contribution towards health care infrastructure;**
- **contribution towards children's playspace infrastructure in the area;**
- **contribution towards amendment of TRO on Foreman Road;**
- **contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;**
- **contribution towards Ash road bridge;**
- **provision that the applicant gives free and unfettered access to the spine road; and**
- **contribution towards provision of public art in the area.**

**If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.**

**(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.**

**Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

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

GAR.01.pe B  
GAR.02.pe A  
GAR.03.pe A  
GAR.04.pe B  
P1-2.e A  
P1-2.p A  
P23-25.e A  
P23-25.p A  
P19-20.e A  
P19-20.p A  
SS.01.pe A  
ITB13403-SK-006 D  
ITB13403-SK-016 A  
ITB13403-SK-019  
SL.02 P2  
LP.01 A  
HT.AVI.e. B  
HT.AVI.p B  
HT.CHI.e C  
HT.CHI.p C  
HT.CRA.e B  
HT.CRA.p B  
HT.EVE-SEM.e B  
HT.EVE-SEM.p B  
HT.GOD.e D  
HT.GOD.p D  
HT.LON.e C  
HT.LON.p C  
HT.MAL.e D  
HT.MAL.p D  
HT.MAR.e B  
HT.MAR.p B  
HT.RIP.e C  
HT.RIP.p C  
HT.SHA.e B  
HT.SHA.p B  
HT.WIT.e B  
HT.WIT.p B  
FB-A.pe E  
FB-B.e D  
FB-B.p C  
P15-16\_45-46.e B  
P15-16\_45-46.p B  
P21-22\_35-36\_57-58.e C  
P21-22\_35-36\_57-58.p C

P32-33.e B  
P32-33.p B  
P37-38.e B  
P37-38.p B

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

3. No development shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and samples.

Reason: To ensure that the appearance of the development is satisfactory.

5. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until written details and/or samples of:

- a) fenestration details; and
- b) fascias, soffits and gutters

to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external materials.

Reason: To ensure that the appearance of the development is satisfactory.

6. Before the first occupation of the 69th dwelling of the development a certificate demonstrating that Secured by Design (physical security) has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

7. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas) for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) details of hedge and tree provision along Ash Green Road (including details of new hedge and tree planting which will take place if the existing hedge has been removed, and additional planting which will take place in any event);
- b) new hedge and tree planting to the north of plot 22;
- c) a timetable for the implementation of the proposed landscaping scheme (which shall include the scenario where the existing hedge along Ash Green Road is removed after the discharge of this condition)..

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained in perpetuity.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and Ash Green Road and to ensure that a buffer between Ash and Ash Green is maintained.

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

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

9. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance the agreed timetable. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of the locality and to ensure a high quality design.

10. No development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or as amended, (and including details of a site meeting process with the retained consulting arboriculturalist and the LPA Tree Officer), are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission.

11. No development shall take place until a Written Scheme of Investigation, which shall include a programme of archaeological work, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

12. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed on the site in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy and improvements to the energy performance of each approved unit shall be achieved. Prior to the occupation of each unit, a summary showing the emissions rate, as set out in the final SAP assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Supplementary Planning Document 'Climate Change, Sustainable Design, Construction and Energy' 2020.

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

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

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.

b) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- c) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

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

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

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the scheme agreed through condition 14 (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

17. Prior to first occupation the following package of measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- i) a 2 metre footway shall be provided on the southern side of Foreman Road from the site access towards The Croft
- ii) high friction surfacing shall be implemented on Foreman Road on the approach to the site access and on the southbound of the carriageway up to the start of the proposed anti-skid for the northbound direction near the existing bus stop
- iii) the speed limit shall be reduced from 40mph to 30mph with associated speed reduction measures, subject to TRO approval.

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

18. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Foreman Road has been constructed and provided with visibility zones, and the build out on the spine road is implemented, all in accordance with approved drawing number ITB12403-SK-006D, and thereafter the visibility zones shown on the plan shall be kept permanently clear of any obstruction over 0.6 metres high.

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

19. The development hereby approved shall not be first occupied unless and until the proposed junction improvement, including the re-alignment of Ash Green Road and pedestrian connections, has been implemented in accordance with the approved drawing number ITB12403-SK-006D OR a similar junction improvement has been implemented in accordance with a plan which has been submitted to and approved in writing by the Local Planning Authority.

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

20. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved drawing number SL.02 P2, for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.

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

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

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

22. No development shall commence until a Construction Transport Management Plan (CTMP), to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved CTMP.

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

23. The development hereby approved shall not be first occupied unless and until the following information has been provided in accordance with the approved Travel Plan Statement, ITB13403-004A R:

- the information which is to be provided to residents regarding the availability of and whereabouts of local public transport / walking / cycling

The development shall only be carried out in accordance with the approved details and the agreed information shall be provided to the occupants of each of the dwellings upon first occupation.

Reason: To encourage travel by means other than private motor vehicles.

24. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until detailed plans showing the continuation of the internal spine road up to the north-eastern boundary of the site (between the sub-station and plot 41) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the agreed details and shall be provided up to the boundary of the site (as defined by the red line on drawing BEWL180405 SL02 P2) prior to the occupation of the 30th dwelling on the site.

Reason: In order that the development delivers an acceptable road link to the area to the north-east which is also part of the site allocation A31.

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

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

26. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Ecological Assessment (dated December 2018, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement vf4/LB/DM), the Technical Briefing Note (dated September 2019, prepared by Aspect Ecology Ltd); the Ecological Statement (Updated) (dated March 2021, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement dv3/FM/MRD) and the Technical Briefing Note (dated June 2021, prepared by Aspect Ecology Ltd)

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

27. No development or site clearance shall take place until further eDNA Great Crested Newt surveys and a Precautionary Working Method Statement carried out by a qualified ecologist have been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how development will proceed in a way that will avoid the killing, injuring or disturbance of any Great Crested Newts, reptiles or amphibians that may be identified during development. Any agreed impact avoidance, mitigation, compensation and / or enhancement measures (as may be relevant to the particular species), including proposed translocation measures shall be carried out in accordance with the approved details.

Reason: In order to protect the nature conservation and biodiversity value of the site. It is considered necessary for this to be a pre-commencement condition because these details need to be undertaken and agreed before construction activity takes place on the site, which may then impact on the ecology and in particular, Great Crested Newts.

28. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

29. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- precautionary working methods for reptiles, including GCN;
- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

30. No development shall commence (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be made available for use on the first occupation of each building.

Reason: To ensure that the new development is provided with high quality broadband services and digital connectivity.

31. Before the development hereby approved is commenced, a plan showing the location of the seven Building Regulations 'accessible and adaptable dwellings M4(2) and the three Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

32. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of the boundary treatment along the western side of the northern open space area have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development.

Reason: To help screen the open space area from the neighbouring residents.

33. Before the commencement of the development hereby approved, a Management and Maintenance Plan for T67 and its buffer shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall cover a period of at least 25 years and as well as setting out the future management and maintenance of T67 and its buffer, the plan shall also include details of:
- the buffer around the tree;
  - how the buffer will be fenced;
  - how the buffer will be landscaped and planted or otherwise treated;
  - public access into the buffer (if any) and details of information and interpretation boards relating to the tree (setting out its value including in biodiversity terms);
  - details of how T67 will be specifically protected before and during construction' and
  - a timetable for the phasing of any of the initial physical works.

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

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

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

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

**Informatives:**

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

2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

3. Thames Water Informative:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

4. Lead Local Flood Authority Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

5. County Highway Authority Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway.

The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs)

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

Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme)

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

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

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. For guidance and further information on charging modes and connector types please refer to:

[www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html)

6. Ecology Informative:

Should Great Crested Newts be identified as present within ponds P1, P2 or P3, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

## **Officer's Report**

### **Introduction**

It is noted that the Planning Committee resolved to approve this planning application at their meeting on 04 December 2019. Planning permission was originally issued on 14 January 2020. In early 2020, the Council received notice that a local resident was planning to pursue a Judicial Review of the decision. Permission to apply for a Judicial Review was granted by the High Court on 13 May 2020. The initial case against the Council consisted of four grounds which were:

- failure to apply section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and failure to take account of paragraphs 193 and 194 of the NPPF (now paragraphs 199 and 200);
- failure to have regard to a relevant consideration: a 'veteran tree' on site and acting irrationally in departing from this advice without reasons;
- failure to have regard to a material consideration, namely the risk of flooding from groundwater at the site and/or acting irrationally by ignoring expert evidence on this matter and failing to instruct an independent expert to consider it; and
- breach of procedural legitimate expectation leading to procedural unfairness by failing to consult on amendments to the application.

Before the Judicial Review Hearing took place, Ground 4 was withdrawn by the Claimant.

The Hearing took place on 17 and 18 November 2020. The Council defended the lawfulness of the decision, as did the applicant. Mrs Justice Lang handed down her Judgement on 08 December 2020.

In giving her Judgment, Mrs Justice Lang held that the Council was entitled to:

- prefer the advice of the applicant and its own arboriculturalist over that of Surrey Wildlife Trusts in relation to whether T67 constituted a 'veteran tree'; and
- accept the view of the Local Lead Flood Authority that the applicant's technical evidence demonstrated that there was no increased risk of flooding and to conclude that the concerns raised by the local resident concerning groundwater were unjustified.

The Council was therefore successful in defending Grounds 2 and 3.

However, the Claimant was successful on Ground 1. Mrs Justice Lang held that the Officer's Report materially misled the Planning Committee in relation to the proper approach to decision-making in relation to designated heritage assets. In particular, the Judge held that the report failed to explain that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 193 and 194 (now paragraphs 199 and 200) both require the Council to give considerable importance and weight to any harm identified to a designated heritage asset. The Judge concluded that as the report did not specifically bring this requirement to the attention of the Planning Committee Members were therefore misled. As a result of this error the previous decision to approve planning permission was quashed.

Following the quashing, the Local Planning Authority now has a duty to redetermine the application. The report below is an amended version of the original report which was before Committee in 2019 which corrects the errors identified by Mrs Justice Lang. The additional information submitted by the applicant with regard to air quality, flooding, ecology and landscaping has also been considered.

The new report also takes into account other material considerations which have arisen since the original determination. This includes a change to the layout of the proposal which retains the aforementioned T67 (the veteran tree) and results in a reduction in the number of proposed units to 69 (from 73). The new report also takes into account the views expressed by consultees and members of the public which were received as part of the full re-consultations which were carried out in March/April and July 2021. Importantly, these include additional comments from the Council's Tree Officer on the veteran status of the tree, as well as comments from a Council appointed independent expert on the veteran status of the tree and its health. These issues, and the impact on the planning balance, will be considered in detail below.

It is acknowledged that since the quashing of the original grant of planning permission, there have been two Officer Reports published, both of which recommended approval of the scheme, subject to conditions. For the avoidance of doubt, it is this report on which Members should base their decision.

### **Site description**

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area is currently predominantly semi-rural in character. However, there is a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. These properties are a mix of detached and semi-detached dwellings, in a mix of sizes and designs. Adjoining the site to the north is a small complex of buildings which is known as Manor Farm that contains a number of dwellings and farm structures. The largest building within the complex is Grade II\* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides, which Historic England comment is a non-designated heritage asset. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing.

The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

**Proposal**

As noted above, the proposal has been recently amended to retain the existing T67, with a buffer around its perimeter. As a consequence of this, the number of units has been reduced to 69. The layout has also been amended which would see the spine road now curve around T67, with the dwellings set around it and the proposed buffer. Also proposed is the associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and servicing.

The application site would be accessed via a 'T' junction from Foreman Road. This leads to a single spine road which would run through the site and around T67, with dwellings positioned on either side. Around the perimeter of T67 there is proposed to be a buffer which would incorporate the spread of the trees crown. The spine road would eventually link into other sites which are within the A31 allocation. Off the spine road there would be two shared-surface cul-de-sacs which would serve a number of dwellings. The proposal includes a number of alterations to the highway network in the vicinity of the site. This includes the re-alignment of Ash Green Road and a range of traffic calming measures to include a speed limit reduction to 30mph, gateway features etc. The existing access into Ash Manor would be retained as part of this proposal.

The proposal includes a range of house types including two storey detached, semi-detached and terraced dwellings. Two blocks of apartments are also proposed which would provide a total of 14 units. The apartment blocks would be mainly two storeys in height, with Block A having a small element of second floor space within the gable roof. A total of 143 on-site parking spaces are proposed which equates to approximately two spaces per dwelling. The applicant has agreed to provide a total of 28 affordable dwellings which will be spread across the site.

The northern portion of the application site includes the existing pond which would be enlarged and integrated into the proposal, forming part of the open space network. A large area of open space is proposed to the south and east of the pond, which would also act as a buffer to the listed buildings. As noted above, the TPO tree in the middle of the site (T67) would be retained as part of this proposal and incorporated into the layout.

As well as the retention of T67 and the further reduction in the number of units, it is noted that, since it was first submitted, the scheme has been amended on a number of other occasions following comments from Officers, Members and local residents.

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

## Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
20/P/01461	Erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.	Non Determination Appeal submitted.	Now due to be heard January 2022
17/P/00513	Full detailed planning application for the erection of 95 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on-site open space, landscape and ecology management and, servicing.	Non Determination 09/10/2017	Withdrawn 05/02/2018
15/P/01031	Residential development comprising a total of 44 dwellings (6no. four-bed, 25no. three-bed and 13no. 2-bed) including 15no. affordable housing units, together with an associated recreational open space, approximately 4.2 hectares of Suitable Alternative Natural Green Space (SANGS) with visitor car park, Village Hall and the provision of a new roundabout access at the junction of Foreman Road and White Lane.	Refuse 16/10/2015	N/A

## Consultations

It is noted that since the quashing of the original permission, the Local Planning Authority has undertaken two full (21-day) re-consultations of residents, Parish Councils and resident's associations. A full (21-day) re-consultation was also carried out in July 2021 of all statutory and non-statutory consultees. The consultation invited these groups to provide their views on the new and additional information that has been received, as well as any other issues that they wished to raise.

In addition, comments from residents, Parish Councils and residents associations made on the duplicate planning application 20/P/01461, and which are material to the current application will also be included in the summary below.

Members are reminded that the consultation responses are available to view in full on the Council's website.

Statutory consultees

County Highway Authority, Surrey County Council: No objections raised. This is subject to conditions requiring the implementation of a package of highway improvement measures (including a two metre wide footway and high friction surfacing along Foreman Road and a reduction in the speed limit from 40mph to 30mph) as well as a contribution of £94,500 towards other highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. [Officer Note: The County Highway Authority have confirmed that their original comments are still relevant for this proposal. The only change is that the s.106 contributions have increased from £91,500 to £94,500].

Natural England: No objections raised, subject to the development complying with the adopted Thames Basin Heaths SPA SPD. [Officer Note: Natural England have confirmed that their original comments are still relevant for this proposal. No comments have been received in relation to the amended plans which retain T67].

Lead Local Flood Authority (LLFA), Surrey County Council: No objections raised, subject to standard conditions. [Officer Note: Since the quashing of the permission, the LLFA have re-assessed the proposal taking into account further concerns raised by residents on the duplicate application (20/P/01461). They remain of the view that the proposal is acceptable, however, they have recommended that an additional informative be added to the permission, should it be approved. The comments provided by the LLFA and the concerns raised by residents will be discussed in more detail below. The comments and responses can be read in full on the Council's website. The LLFA have confirmed that the changes resulting from retaining T67 have no impact on their final comments].

County Archaeologist, Surrey County Council: No objections raised subject to condition. It is noted that the site has a good potential for archaeological remains associated with the adjacent manorial complex as well as evidence of medieval and post medieval pottery production. Further archaeological investigations may be required in order to clarify the nature, extent and significance of any archaeology that may be present. The County Archaeologist has noted that the 'parch marks' raised by local residents will be investigated as part of the next stage of the archaeological investigations. These further investigations will be secured by condition. [Officer Note: The County Archaeologist has confirmed that the changes resulting from retaining T67 have no impact on the comments noted above].

Historic England: Historic England (HE) have reviewed three iterations of the proposed development. In their final comments provided prior to the quashing of the permission and based on the final layout, HE explained that they 'consider that harm is caused to the grade II\* Manor and its associated buildings through development in their setting, but we acknowledge that efforts have been made to limit that harm as advised in our previous correspondence'. HE confirmed that in their view the proposal results in less than substantial harm to the Ash Manor complex. As noted above, HE have been asked to provide further comments on the proposal, and it was specifically drawn to their attention that since the application was originally considered, the Council has approved schemes at May and Juniper Cottages and at Ash Railway Station which are also within the setting of the Ash Manor complex. HE have provided further comments where they note the following: 'in our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented developments nearby are taken into account.

We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that it is likely to be less than substantial...We strongly recommend the value of keeping a clear buffer of undeveloped land around the north, west and east of the Ash Manor complex of listed buildings, to preserve its immediate rural setting.' The heritage harm resulting from the proposal, including the cumulative impacts will be considered in detail in the report.

It is also noted that Historic England have provided comments on the duplicate planning application. While these pre-date the comments referred to above, for completeness and in light of AGRA's representations, it is noted that HE stated the following *'we can see from the correspondence relating to the discharge of conditions on application 18/P/02456, that it is proposed that the pond will be used as the SuDS for the scheme and would remain dry for most of the year. It is also proposed that it would have a fence around it, which we presume is for safety reasons. However, we note from the surface water and foul drainage strategy submitted with this current application that it is now proposed for the pond to retain some water within it. As explained previously, the pond is an historic feature that along with the existing landscaping performs the useful function of providing a remnant of the original historic landscape context to the Manor Farm complex as well as buffering the listed buildings from the new housing. It is therefore important that the pond, fencing and landscaping around it are designed to retain a natural and rural appearance. If your Authority cannot ensure that this can be achieved, you should consider if there are any alternative ways of providing the SuDS. Your Authority should also be advised by your flooding specialists regarding whether there is likely to be increased risk of flooding to the listed building complex as a result of the SuDS proposals'*. [Officer Note: It is noted that the landscaping around the pond will be secured by condition and through this Officers will be able to control the planting, fencing and the appearance of the pond and its surroundings. The SuDS scheme has been considered by the LLFA and no objections have been raised, subject to conditions. As such, Officers consider that the issues raised by Historic England concerning the pond will be addressed].

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

#### Internal consultees

Head of Environmental Health and Licensing: While no objections were raised originally to this proposal, the comments made by the Environmental Health Officer as part of the duplicate application have been taken into account. These note that due to the scale of the proposal, the development may trigger the need for an air quality assessment. The applicant has submitted additional air quality information to the Council and it has been placed on the file for both this application and the duplicate. Having assessed the information, the Council's Environmental Health Officer is content with the proposal and has noted that the provision of electric vehicle charging points should be secured by condition. [Officer Note: No comments have been received regarding the changes resulting from the retention of T67].

Operational Services, Recycling and Waste: No objections raised. It has been confirmed that the layout will allow for the manoeuvring of refuse vehicles around the site. It is also noted that the presentation points for refuse are acceptable. [Officer Note: The Council's Operational Services team raises no objections to the proposed changes].

### Non-statutory consultees

Surrey Police: Surrey Police have assessed this planning application and determined that a financial contribution for essential policing infrastructure would be required to make this development acceptable in planning terms. Surrey Police have requested a contribution of £14,979.44 as mitigation, which is being secured through the legal agreement. [Officer Note: Although no comments have been received regarding the changes resulting from the retention of T67, Surrey Police have previously confirmed that their original comments are still relevant for this proposal and there is no reason to believe that this position would change].

Designing Out Crime Officer, Surrey Police: No objections raised. [Officer Note: Although no comments have been received regarding the changes resulting from the retention of T67, the Designing Out Crime Officer has confirmed that the original comments are still relevant for this proposal and there is no reason to believe that this position would change].

North East Hants and Farnham Clinical Commissioning Group (CCG): The CCG note that there is no objection to the proposal subject to securing a s.106 contribution of £50,000 to mitigate the consequential impact on local healthcare provision and infrastructure. [Officer Note: The CCG has not responded to the re-consultations, however, there is no reason to believe that the contribution would change as a result of these proposals].

Thames Water: No objections raised. [Officer Note: This position has been re-confirmed through the re-consultation].

Surrey Wildlife Trust (SWT): The Trust recommend a range of measures be controlled by condition. These include the submission of a Precautionary Working Method Statement for Great Crested Newts, a lighting strategy for the development and compliance with the mitigation set out in the applicant's ecological assessment. SWT also state that they welcome the amendment to site layout and retention of T67. It is advised that the Council should satisfy itself that appropriate open space / buffer zone of semi-natural habitat is present and protected from future development immediately adjacent to veteran tree T67. Appropriate protection for the tree and management of this open space / buffer zone habitat should be included within landscape and ecological management proposals. [Officer Note: T67 and ecological matters will be discussed in greater detail below. Comments made by SWT on the duplicate planning application have also been taken into account. The applicant has submitted further ecology information regarding Great Crested Newts, which has addressed the concerns raised].

Hampshire County Council: No objections raised. [Officer Note: Hampshire County Council have not responded to the re-consultations].

### Parish Councils

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

- overdevelopment of the plot;
- the access and layout is not sympathetic to the area [Officer Note: Both the access into the site and the layout of the development have been altered over numerous iterations];
- the proposal would detract from the historical integrity of the site;
- the proposed apartments would be out of character with the rural nature of the area;
- lack of infrastructure;
- impact on local wildlife and a loss of grazing land;
- density of the proposal is too high;
- near coalescence of Ash and Ash Green;

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- loss of amenity to surrounding residences;
- archaeological survey should be undertaken before any work begins on site [Officer Note: Such a condition has been recommended by the County Archaeologist];
- possible flooding issues;
- cumulative impact of development in the area;
- bus service is inadequate and not sustainable;
- highway safety concerns;
- increased traffic in the area and impact on local roads and weak bridges;
- inadequate on-site parking provision; and
- possible rise in anti-social behaviour resulting from the high level of development in the area [Officer Note: There is no evidence to suggest that this would be the case].

[Officer Note: Ash Parish Council have not responded to the re-consultations].

Tongham Parish Council: The Parish Council objects to the application. The following concerns are noted:

- the combined cumulative effect of all the existing and proposed new development in and around the Tongham area and adjacent areas such as Aldershot, Ash and Farnham will overwhelm the current and planned local amenities;
- highway safety and capacity concerns, particularly relating to the A31 and A331 junction; and
- adverse impact on Ash Manor.

[Officer Note: Tongham Parish Council have not responded to the re-consultations].

### Amenity groups/Residents associations

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

- the public benefits of the scheme do not outweigh the harm to the setting of the neighbouring listed buildings;
- proposals for the land to the west of Ash Green Road must prevent the coalescence of Ash, Tongham and Ash Green;
- a number of other applications have been refused on this site and in the immediate area in the past. The concerns raised with those applications are still relevant;
- concerns about the impact on ecology and trees;
- concerns regarding flooding, bearing in mind that the water table in this area is high;
- a number of applications for housing have already been approved in the surrounding area and the existing infrastructure is now at capacity;
- documents have been posted to the GBC website after the consultation notification [Officer Note: A new 21-day consultation has now been carried out];
- the existing scheme increases the risk of flooding in and around the listed buildings. The concerns of AGRA have not been responded to. It is noted that the LLFA are still in discussions with GBC regarding the drainage scheme. [Officer Note: The drainage concerns raised by residents have been forwarded to the LLFA and they have confirmed that the scheme proposed by the applicant remains acceptable. No further information is required];
- the proposal fails to deliver a usable public amenity;
- local residents will be enforcing the covenants which apply to the land [Officer Note: Covenants are a civil matter, outside of the scope of the planning process]; and
- the plans include the removal of a tree in the middle of the site which is described as a symbol of the village. The condition of the tree has improved over recent years [Officer Note: The tree referred to (T67) is now being retained as part of the proposal].

Ash Green Residents Association did not formally respond to the re-consultations, but as set out below has provided further comments in objection to the proposal. On the morning and early afternoon of 20 May (the day which the application was originally due to be heard by the Planning Committee), AGRA submitted three documents which provided new representations on matters relating to heritage harm, ecology and drainage. Officers were not in a position to review or form an opinion on the documents in the limited time available, and as such, it was decided that the application should be deferred to a later date, once the information could be assessed.

It is further noted that AGRA submitted two additional documents directly to Planning Committee Members earlier that week. These were a presentation entitled 'The Residents' View' and a letter concerning the Oak tree (T67) (by Thomson Environmental Consultants (TEC)). It is understood that these documents were first circulated to Members on 17 May 2021, notwithstanding that the TEC letter is dated 05 February 2021. It is noted that these documents were only submitted to the Local Planning Authority on 19 May 2021.

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

#### AGRA document – drainage objections

The document itself summarises the AGRA objections regarding drainage. These are, in summary:

- the application relied on the informal opinion of the Environment Agency;
- the applicant claims regarding trial pits and water ingress are not borne out in the application documents;
- these same documents were provided to the court as the defence of the judicial review, however this was only to confirm the credentials of the authors;
- the flawed approach to drainage places the listed heritage assets at risk of flooding with no mitigation even suggested; and
- the conditions related to the pond do not address the ground water issues.

As the relevant professionals for the consideration of the drainage scheme, the AGRA document relating to drainage objections was forwarded to the Lead Local Flood Authority (LLFA). The LLFA remain of the view that the on-site drainage proposal is acceptable, subject to the two conditions and informative recommended. Therefore, Officers recommendation on this element of the proposal remains as previously reported.

#### AGRA document - ecology objections

The document outlines AGRA objections regarding ecology. These are in summary:

- there is only one commissioned professional tree survey – the AGRA one [Officer Note: The Council's Tree Officer and independent tree consultant have also visited and surveyed the tree in question].
- the Ash Green Oak tree is definitely a Veteran tree, of great value, and protected by the NPPF and the local plan, and other legislation.
- the Ash Green Oak is not dead as claimed.
- the Ash Green Oak has been identified as having the potential for rooting bats
- the Ash Green Oak is not a health and safety risk as claimed [Officer Note: In relation to the five preceding bullet points, it is noted that the tree in question is now being retained by the applicant].
- the bat survey ignores the presence of endangered, extremely rare, Barbastelle bats.
- the bat survey does not cover the site area.

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- the bat mitigation is contrary to government guidelines.
- the Great Crested Newt survey complete fails to assess the one pond known to have Great Crested Newts.
- the updated report is based largely on photographic evidence alone.

AGRA's document includes a letter concerning the Oak tree (T67) by Thomson Environmental Consultants.

AGRA document – heritage objections

The document itself summarises the AGRA objections regarding heritage. These are set out below with an Officer response as required:

- the Ash Manor complex is Grade II\* listed, protected by the NPPF and legislation, which was not given the weight it required by law in the previous application [Officer Note: As set out in the main body of the report, this matter has been addressed in the heritage assessment below];
- Ash Manor is the only site of this significance still in the original setting in the entire Guildford Borough
- the officer report addresses the setting of Ash Manor but fails to discuss the importance of the setting of the other two Grade II listed buildings, for which the impact will be greater [Officer Note: This is incorrect, the report assesses the impact on the complex as a whole, including the Grade II\* and Grade II listed buildings. The heritage section has been amended slightly so that there is no confusion];
- the officers have failed to disclose to the council that their own commissioned independent assessment for the site recommended refusal [Officer Note: For clarity, the assessment referred to is a draft Proof of Evidence prepared by a consultant engaged by the Council to support its refusal of an earlier planning application on the site (application 17/P/00513). Firstly, it is noted that this assessment was not published as the appeal was withdrawn by the appellant before proofs were exchanged by the sides. Secondly, the scheme is materially different to the one now before the Planning Committee. It was for 95 units, with apartments on what is now proposed to be an area of open space and included the removal of the track access to Ash Manor and a new roundabout at the junction of Foreman Road, White Lane and Ash Green Road. Thirdly, the planning context was very different, as the site was not allocated as the Local Plan had yet to be adopted. As such, the assessment referred to by AGRA is not considered to be relevant to this proposal];
- the officers have failed to disclose in the officer report that of the three previous applications, prior to the quashed application, they recommended refusal. This is a material consideration [Officer Note: AGRA's contention is incorrect. Of the three applications referred to by AGRA, two are individually noted in the 'Relevant Application History' section. The outcomes of both applications are also clearly set out; one was refused planning permission and the other was appealed by the applicant for non-determination (appeal was later withdrawn). The third application referred to by AGRA does not relate to the application site but a piece of land to the north of Ash Manor, which is why it has not been referred to in the report. Furthermore, as noted above the planning context for the earlier applications was very different.];
- Historic England, as the statutory consultee on heritage matters, have consistently highlighted the harm through all five previous applications [Officer Note: Comments from Historic England are included within the report. Both the Local Planning Authority and Historic England have concluded that the proposal would result in harm to the Ash Manor complex];

- Historic England have reviewed the conditions associated with this application and raised an objection, as is their role as statutory consultee. This remains unpublished on this application despite AGRA detailing this omission to the Council [Officer Note: To be clear Historic England provided comments on the duplicate planning application but did not object to either the application or any of the conditions. The Historic England comments on the duplicate planning application are available to view on the file and are also summarised as part of the report for the duplicate planning application which is reported elsewhere on the agenda]; and
- the conclusion of the Conservation Officer on the level of harm to the assets, presented in the officer report, is unreasonable and illogical [Officer Note: The assessment of the heritage harm is clear and robust. It is also in line with the conclusions reached by Historic England that the harm to the complex as a whole would be less than substantial].

#### AGRA document – ‘Residents’ view’

Officers have now had the opportunity to consider the submitted presentation. Taking into account the changes made to the layout and the retention of T67, the representations made by AGRA in this document do not alter the conclusions reached by Officers, as set out in the report below.

Members should be aware, and note, that in various places the AGRA presentation quotes from previous officer reports and consultation responses on earlier applications where the proposal and policy context differed. Members should ensure that they focus on the application which is before them, and determine the current application on its merits.

#### AGRA document – Thompson Ecological Consultants (TEC)

It is noted that this letter is also included in the ecology objection (as already set out above) also submitted by AGRA.

#### **Third party comments**

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

- loss of trees and wildlife habitat;
- pollution and noise from additional vehicles;
- local infrastructure is already at capacity and is insufficient for the additional number of dwellings;
- a large number of houses have already been built in area;
- additional dwellings are not needed;
- brownfield sites should be utilised first;
- flooding concerns due to high water table;
- sewage infrastructure at capacity;
- adverse impact on Ash Manor (Grade II\* and II listed building complex);
- views of the proposed development would be visible from Ash Manor and would harm its setting;
- the benefits of the development do not outweigh the harm caused to heritage assets;
- impact of this development must be considered along with other already approved and proposed in the area;
- no meaningful gap, buffer or green space between Ash and Ash Green resulting in coalescence;
- highway safety and capacity concerns including increased pressure on local narrow roads;
- possible damage to roads during construction;
- the design of the dwellings are not in keeping with the rural area;

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- proposed density is too high;
- poor pedestrian links to Ash and the train station;
- loss of amenity to neighbouring residents;
- the pond which will be used as part of the SuDS solution is spring fed and additional water being routed into it will result in flooding;
- future creation of a rat run through the site;
- the plans reshape the pond meaning it would be closer to the listed buildings. Therefore, the changes do not overcome the issues with the setting of the listed buildings;
- the roads in the development should be adopted by the Council;
- the proposal along with others will result in an extension to the urban area of Ash;
- there are enough houses on the market already;
- further concerns have been raised with regard to the SuDS scheme being proposed and the accuracy of the applicant's technical documents [Officer Note: This issue has been specifically addressed by the Lead Local Flood Authority and they confirm that the SuDS and drainage scheme being proposed by the applicant is acceptable]; and
- high grip road surfacing should be used on both sides of the road;
- the site is not close to any shops or services;
- the proposed apartment buildings would be located closer to Ash Green Road which gives rise to greater amenity concerns;
- noise from parking areas;
- the removal of the existing hedge is vandalism and should not be allowed [Officer Note: As will be set out below, the removal of the existing hedge is not required by this current application, but by an application which has already been approved at the adjoining site (known as May and Juniper Cottage). Its removal is not yet a certainty and the Council along with Surrey County Council, the developers of the adjoining site and residents are working to ensure that an alternative is agreed which will save the majority of the hedge. If the hedge does have to be removed by the other developer, then the applicant's revised landscaping scheme for this boundary of the site will effectively create a new hedge along the northern side of Ash Green Road. This issue will be discussed in greater detail below];
- concerns regarding construction traffic and general traffic from this proposal and others which have been approved since the original proposal was considered;
- not enough school places for the additional dwellings [Officer Note: Surrey County Council has not raised any objections to the proposal on these grounds and have requested contributions towards improvements to schools in the surrounding area];
- a number of residents have reiterated their concerns about drainage, flooding and the use of the existing pond as part of the applicant's drainage strategy [Officer Note: Drainage is discussed in greater detail later in the report];
- development is too dense and requires more tree planting, green space etc;
- the Oak tree is not dead. It is noted that the tree is alive, and a rare survivor of a Stag Headed Penduculate Oak. Owing to its size and age, this tree qualifies as an Ancient Tree with the protection such a designation gives [Officer Note: The tree in question is now being retained as part of the proposal]; and
- proposal erodes the only green space in the area.

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

- pond will impact on the setting of the listed buildings;
- impact on the structure and foundations of the listed buildings;
- protections should be put in place to allow T67 to thrive;
- who will be responsible for maintenance of area around the tree. Has there been any changes to lighting and drainage;
- number of four-bed properties has increased;
- concerns regarding impact on heritage assets;

- sufficient green buffer not provided. Noted that views to and from Ash Manor, including the approach from White Lane, must be protected; and
- duty to consider recently approved applications.

A letter has also been received from the MP for Surrey Heath who notes that his constituents have raised profound concerns about the impact of this proposal on Ash Manor. He also states that constituents have raised concerns about the other housing developments already under way in the village and that this proposal would add to the over-development of the area. It has been asked that these concerns are brought to the attention of the Planning Committee.

For completeness it is noted that a total of 35 letters of objection have been received for the duplicate application 20/P/01461. The comments made broadly reflect those already set out and summarised above. All of the comments received for both applications can be viewed in full on the Council's website.

Ash Green Residents Association also provided comments objecting to the duplicate application and these are summarised below:

- the Council should request the developer conducts a full geological and hydrological appraisal of the site especially in the light of the recent spring developing unexpectedly in Ash Green Lane;
- the Council's tree officer should measure the ancient oak tree, in line with the recommended methods, to establish girth, and reviews historical maps to make a determination of the age, rather than just accept the determination of the developers [Officer Note: This issue will be discussed in greater detail below];
- this application fails to meet the requirements of either the NPPF or the Local Plan with regard to the drainage and flood risk. Concerns include risk of flooding to the listed buildings, depth of the pond, use of pond liner etc;
- concerns regarding ecology, including use of old data and reports, that T67 is a veteran specimen and should be retained; no bat survey of T67, inadequate information regarding Great Crested Newts and lack of survey date for some ponds;
- the proposal would result in the loss of a rural business [Officer Note: The principle of developing this site for housing has already been established through the Local Plan];
- the proposal fails to comply with the requirements of the site allocation (A31), including the changes which were agreed by the examining Inspector; and
- the proposal is contrary to the Local Plan.

It is acknowledged that the resident's association raised other concerns about the accuracy and quality of the documents submitted for the duplicate application 20/P/01461, but these are not directly relevant to this proposal.

Ash Parish Council also objected to the duplicate application and they noted the following matters:

- overdevelopment of the plot;
- access and layout is not sympathetic to the area. Ash Manor/Old Manor Cottage is Grade II listed, Ash Manor Oast/Oast House, the Oak Barn and Ashe Grange are also listed buildings. With exception of Ashe Grange the proposal would have effect of totally detracting from historical integrity of the site;
- proposed development in conflict with the NPPF which requires conservation and enhancement of natural and historic environment;
- proposed flatted part of the development is totally out of character with the rural nature of the area;

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- lack of infrastructure (schools, medical facilities);
- potential impact on local wildlife and loss of grazing;
- proposed density of site is too high;
- potential to provide near coalescence of Ash and Ash Green;
- un-neighbourly proximity to neighbouring properties with potential for proposed flats to overlook existing properties along Ash Green Road; and
- request that if the LPA is minded to approve the application that a full archaeological survey be undertaken before commencement of any development. There is potential presence of a Roman road on site.

### Summary of previous comments from public speakers

The following is a summary of comments made by the public speakers at the 9 October 2019 Planning Committee meeting. However, it should be noted that these related to a previous iteration of the proposal which no longer fully reflects what is now under consideration.

Ms. Gill Squibb (Ash Green Residents Association) (objector):

- previous applications have already been refused;
- far too dense and generic design;
- urbanising impact and harm to heritage assets; and
- on-site surveys of the pond have been undertaken by residents and was noted that the capacity of the pond is less than stated by the applicant. It is noted that the pond is also groundwater fed. The use of the pond for SuDS could have a detrimental flooding impact on the surrounding area.

Mr. David Weller (objector):

- the Grade II\* listed building is one of the oldest inhabited dwellings in the borough and has been occupied by numerous Kings;
- the listed building sits on flint foundations directly on clay. Stability of the foundations is unclear as a result of this proposal;
- archaeological remains on the site;
- there is a duty to preserve listed buildings and their setting and weight must be given to its protection;
- Local Plan notes a requirement to protect the setting of Ash Manor and prevent coalescence; and
- views from Ash Manor to White Lane and Ash Green Road must be protected.

Mr. Andrew Morris (applicant in support):

- site is allocated in the new Local Plan and has appeared in iterations since 2014;
- site allocation has been tested by Planning Inspectorate;
- part of only 2% of borough which is not constrained by Green Belt or landscape designations;
- application has undergone significant consultation with Officers and Historic England;
- have addressed concerns so that the proposal does not harm the setting or ambiance of the area;
- reduced the harm to the inevitable change to the local environment and impact on the setting of Ash Manor;
- applicant has cooperated with neighbouring developers to ensure a comprehensive masterplan approach has been taken which includes provision of a landscaped buffer along Ash Green Road and re-planning of the spine road to provide a possible access to the neighbouring site;
- contribution being provided towards Ash bridge and 40% affordable housing secured;
- a one-year implementation period has been agreed; and
- the scheme will bring numerous public benefits.

## **Planning policies**

### National Planning Policy Framework (NPPF):

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

Chapter 2. Achieving sustainable development  
Chapter 4. Decision-making  
Chapter 5. Delivering a sufficient supply of homes  
Chapter 8. Promoting healthy and safe communities  
Chapter 9. Promoting sustainable transport  
Chapter 11. Making effective use of land  
Chapter 12. Achieving well designed places  
Chapter 14. Meeting the challenge of climate change, flooding and coastal change  
Chapter 15. Conserving and enhancing the natural environment  
Chapter 16. Conserving and enhancing the historic environment

### South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

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

The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development  
Policy S2 Planning for the borough - our spatial strategy  
Policy H1 Homes for all  
Policy H2 Affordable homes  
Policy P4 Flooding, flood risk and groundwater protection zones  
Policy P5 Thames Basin Heaths Special Protection Area  
Policy D1 Place shaping  
Policy D2 Sustainable design, construction and energy  
Policy D3 Historic Environment  
Policy ID3 Sustainable transport for new developments  
Policy ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

Policy G1 General standards of development  
Policy G5 Design code  
Policy H4 Housing in urban areas  
Policy HE4 New development which affects the setting of a listed building  
Policy R2 Recreational open space provision in relation to large residential developments  
Policy NE4 Species protection  
Policy NE5 Development affecting trees, hedges and woodland  
Policy NE6 Undesignated features of nature conservation interest

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD  
Climate Change, Sustainable Design, Construction and Energy SPD 2020  
Planning Contributions SPD  
Vehicle Parking Standards SPD  
Residential Design SPG  
Strategic Development Framework SPD

**Planning considerations**

The main planning considerations in this case are:

- the principle of development
- housing need
- impact on the character of the area and design of the proposal
- impact on the setting of listed buildings
- impact on neighbouring amenity
- private amenity of proposed dwellings
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- open space provision
- impact on ecology
- impact on trees and vegetation
- impact on air quality
- Thames Basin Heaths SPA
- planning contributions and legal tests
- balancing exercise and public benefit
- conclusion

**The principle of development**

With the adoption of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), this site is no longer designated as being within the Countryside Beyond Green Belt. The LPSS has allocated this site under policy A31, which is an amalgamation of separate sites around Ash and Tongham. In total the allocation is expected to deliver approximately 1,750 homes. Policy A31 also sets out that development of these sites should incorporate the following requirements (inter alia):

- appropriate financial contributions to enable expansion of Ash Manor Secondary School by additional 1FE (form entry)
- appropriate financial contributions towards expansion of existing GP provision in the area or land and a new building for a new GPs surgery
- development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built up area and the countryside beyond
- sensitive design at site boundaries that has regard to the transition from urban to rural

- sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor. Views to and from this heritage asset, including their approach from White Lane, must be protected
- land and provision of a new road bridge which will form part of the A323 Guildford Road, with an associated footbridge, to enable the closure of the level crossing on the A323 Guildford Road, adjacent to Ash railway station
- proposed road layout or layouts to provide connections between both the individual development sites within this site allocation and between Ash Lodge Drive and Foreman Road, providing a through road connection between Ash Lodge Drive and Foreman Road, in order to maximise accessibility and to help alleviate congestion on the A323 corridor

The principle of 69 dwellings on this site is acceptable, subject to general compliance with the above requirements of policy A31 and relevant local and national policies which will be considered further below.

### **Housing need**

Paragraph 60 of the NPPF states that 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. Paragraph 62 goes on to note that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disability, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'.

The Guildford borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan is up-to-date and 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). As part of the allocation under Policy A31 the proposal will make important contribution to meeting the housing requirement which is identified in the Local Plan

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 updated GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 222 (75%). Therefore, the Plan and its policies is not deemed to be out-of-date in terms of paragraph 11 of the NPPF.

It is noted that to aid the Council's early delivery of housing, a one-year implementation period has been agreed by the applicant. This will ensure the provision of an additional 69 dwellings early in the plan period, which is a significant benefit of the scheme.

### **Affordable housing**

Policy H2 of the LPSS seeks at least 40 per cent of the homes on application sites to be affordable, with the mix in tenures being the same as set out above. Policy H2 also states that 'the tenure and number of bedrooms of the affordable homes provided on each qualifying site must contribute, to the Council's satisfaction, towards meeting the mix of affordable housing needs identified in the Strategic Housing Market Assessment 2015, or subsequent affordable housing needs evidence'.

The proposal generates a requirement for 28 affordable properties on the site, which are being provided by the applicant. This is in compliance with policy H2 of the LPSS. In terms of the tenures, the applicant proposes 20 affordable rent properties and eight dwellings for shared ownership. This meets with the Council's 70/30 tenure split. The proposed affordable units are integrated within the development and are spread across the site.

The Council's Housing Strategy and Enabling Manager is supportive of the application and notes that the location of the affordable units is acceptable.

As such, the proposal is considered to be compliant with policy H2 of the LPSS in this regard.

Dwelling mix

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'. The proposed dwelling mix for the development, as well as the SHMA requirement, is provided below.

<b>Table 1</b>			
<b>Overall Housing Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	11	20	15.9
2 bed	21	30	30.4
3 bed	22	35	31.9
4 bed	15	15	21.7
<b>Total</b>	<b>69</b>		

<b>Table 2</b>			
<b>Market Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	0	10	0
2 bed	11	30	26.8
3 bed	16	40	39
4 bed	14	20	34.1
<b>Total</b>	<b>41</b>		

<b>Table 3</b>			
<b>Affordable Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	11	40	39.3
2 bed	10	30	35.7
3 bed	6	25	21.4
4 bed	1	5	3.6
<b>Total</b>	<b>28</b>		

It is noted that as a result of the changes to the layout to retain T67, the mix of properties proposed has also changed. The mix is has been skewed slightly further towards more larger properties, however, this is comparing the scheme to the previous iteration which was broadly compliant with the SHMA mix. Although this is the case, it is noted that in the Inspector's Final Report (paragraph 48) on the LPSS he stated 'as regards housing mix, the policy is not prescriptive but seeks a mix of tenure, types and sizes of dwelling, which the text indicates will be guided by the strategic housing market assessment.

The policy also seeks an appropriate amount of accessible and adaptable dwellings and wheelchair user dwellings'. While it is acknowledged that the proposed mix is slightly different to the SHMA guidance, it is noted that the SHMA mix is to be achieved over the whole of the housing market area and over the lifetime of the plan. It is not feasible or practical to require every site to rigidly meet the identified mix in the SHMA and this is reflected in the Inspector's comments noted above. The flexibility set out in the policy must be used to achieve an acceptable mix across the borough. Furthermore, it is noted that the Council's Housing Strategy and Enabling Manager has raised no objections to the mix for the affordable dwellings. The proposal is not likely to cause any material harm to the Council's ability to deliver a compliant SHMA mix on a wider basis and overall, the proposed mix is deemed to be acceptable.

### Accessible units

Policy H1 of the LPSS requires that 'on residential development sites of 25 homes or more 10% of new homes will be required to meet Building Regulations M4(2) category 2 standard 'accessible and adaptable dwellings' and 5% of new homes will be required to meet Building Regulations M4(3)(b) category 3 wheelchair user accessible dwellings standard'.

The applicant has confirmed compliance with the above requirements and are providing seven accessible and adaptable dwellings and three wheelchair user accessible dwellings. These will be secured by condition.

Overall, the proposal is considered to meet with the NPPFs objective of boosting the supply of homes, which meet the needs of groups with specific housing needs. The proposal will also result in early delivery in the plan period, which would be controlled through condition. In this regard the proposal is consistent with policy H1 of the SLP, as well as the guidance set out in the NPPF.

### Impact on the character of the area and design of the proposal

Paragraph 126 of the NPPF states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'. The NPPF notes that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy D1 of the LPSS makes clear that new development will be required to achieve a high quality design that responds to the distinctive local character of the area in which it is set. The design criterion set out in policy G5 of the saved Local Plan are also relevant.

*Impact on character of the area*

As the application site is currently a paddock, it is fully acknowledged that the provision of 69 dwellings will materially alter the character and appearance of the area. However, having said that, it must also be borne in mind that the site is now allocated for housing as part of the new Local Plan so a change in the character of this area is inevitable and expected. However, to manage the impact, the layout and design of the scheme must be of high quality, creating a development which will contribute to the existing built form in a positive manner.

The existing hedge and trees along Ash Green Road would be retained as part of this proposal. However it is noted that there is the possibility that the same hedge and trees could be substantially cut back or even removed to facilitate a new footpath which would serve the approved (outline) residential development to the north-east (known as May and Juniper Cottage). The Council has been working very closely with the developer of the May and Juniper Cottage site (as well as the residents association and County Highway Authority) to secure an alternative route for the footpath which would limit the impact on the hedgerow and a planning application for the alternative route has been submitted to the Local Planning Authority. However, this has not yet been secured. Therefore, the Local Planning Authority must consider the possible worst-case scenario which would be the substantial cutting back or removal of the existing hedge around the southern boundary of the application site as a result of the development on the May and Juniper Site.

The applicant is aware of the above possibility and has provided a new indicative planting plan for the site, which includes enhanced landscaping plan for the southern boundary of the site. This includes significant additional planting of new hedgerows and trees between the proposed houses and the northern edge of Ash Green Road. All of the proposed planting would be located on the application site and is therefore deliverable. The applicant has confirmed that it is their intention the planting would be carried out in any event, whether the hedge stays or is removed.

A condition is recommended which would secure the planting and would require the applicant to submit a detailed planting plan for approval by the Council before the commencement of the development.

In the 'best case' scenario the existing hedge will remain and will be bolstered with the proposed additional planting. It is acknowledged that, if the existing hedgerow were to be cut-back or removed, the proposed dwellings would then become more prominent in views from Ash Green Road. However, as the proposed additional planting of new hedgerows and trees establishes and matures, Officers are confident that it will over time provide a screen which is similar to, or better than, what is present today. Furthermore, it is noted that the elevations of the dwellings would still be set back from the southern boundary by between approximately 13 and 24 metres.

In either scenario, retention of the existing hedge and its reinforcement, or the planting of new hedgerows and trees, would retain a strong buffer along Ash Green Road, with a semi-rural appearance and will help to screen the development from this vantage point. As mentioned above, the planting of the southern boundary will be secured by condition.

The site will be accessed from a new 'T' junction onto Foreman Road which compared to the roundabout proposed as part of the previously withdrawn scheme has a far less urbanising impact on the surroundings and results in the retention of the large TPO Oak tree in this position. The proposed access arrangements will help to preserve, as much as possible, the semi-rural character of the surrounds. The applicant has also agreed to retain the existing track access to Ash Manor which forms an important element in the experience of this heritage asset. The retention of this access, and its integration into the development also provides a link to the existing site context and will help to improve the sense of place for the new proposal.

In addition, it is noted that T67 is also now being retained and integrated into the scheme. Residents had previously raised concerns about the loss of this tree and the impact that it would have on the character of the area. The tree would now be protected as part of the development and a buffer which would remain free from built form. The exact finish of the buffer and the long-term management of the tree will be secured by condition. The retention of T67 will further aid the development to integrate into its surroundings.

#### Coalescence of Ash and Ash Green

*It is noted that the Local Plan allocation for A31 states that 'development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built-up area and the countryside beyond'.*

It has been noted above that the proposal as a whole would not be of a size or scale which would materially detract from the character of the rural landscape, taking account, in the 'best case' scenario, the retention of existing trees and hedgerows, and in the 'worst case' scenario, replacement boundary planting which is being offered by the applicant.

As regards the 'green buffer', it is noted that the existing retention of the hedge and trees along the northern side of Ash Green Road (or, in the 'worst case' scenario the replacement planting of trees and hedgerows along this boundary), together with the setback of the dwellings along the southern edge of the application site, would provide an approximate 13 to 24 metre wide 'green' gap between the rear elevations of the dwellings and the highway (Ash Green Road). This would clearly differentiate the proposed site from the dwellings on the southern side of Ash Green Road, avoiding the possibility that the site could be viewed as an extension of existing development along Ash Green Road, and by implication, Ash Green. Retaining the existing vegetation, or planting replacements, would also provide the 'soft edge' required by the policy. Officers consider that the extent and function of the green buffer would not be materially affected even if a footpath is constructed along the northern side of Ash Green Road.

As the Local Plan has no details of what a 'green buffer' should entail, it is considered that these arrangements strike a reasonable balance between preventing the perceived coalescence of Ash and Ash Green, whilst still allowing the site to be developed to meet the housing allocation requirements of the Local Plan and policy A31.

Design and layout

The proposed layout sees a central spine road running along the southern side of the site, fronted with dwellings to its south and two cul-de-sacs to the north. As amended, the spine road would now gently curve to the south around T67, providing a very attractive focal point in the middle of the development. As noted above, the buffer around T67 would be managed and maintained as part of the development and its exact finish will be controlled by condition. The dwellings on the southern side of the spine road would be mainly two storeys in height, with two blocks of two storey apartments (with some accommodation in the roof of Block A) at its eastern end. All of the dwellings are set back from the spine road, which allows most of the plots to have front garden areas and a number of new street trees would also be planted along the back of the pavement. The dwellings would have good gaps between them and as such, the proposal would provide a strong and attractive frontage to the spine road. While it is noted that local residents have in the past raised concerns about the 2.5 storey apartment buildings, these were amended by the applicant are now two storey in appearance with a small amount of accommodation within the gable of Block A. As such, the proposed apartments would not lead to any material harm to the character of the area.

The two cul-de-sacs running off the northern side of the spine road would be finished with a different surface material to help integrate this side of the site with the more rural surroundings to the north. The plots fronting onto the cul-de-sacs are also relatively spacious.

As regards the entrance into the site and the relationship to the existing access into Ash Manor this has been carefully considered. The area around the entrance is spacious and areas of open space are provided to ensure that the semi-rural nature of the surroundings are respected. Development has also been set away from the track which serves Ash Manor, with a landscaped buffer provided between the rear gardens of the new dwellings and the existing hedge along the eastern side of the track. The result is that the rear elevations of the dwellings would be between 15 and 21 metres from the track, thereby protecting this aspect of the character of the site.

In terms of the design of the proposed dwellings it is noted that they are relatively traditional in their form with the use of red bricks, tile hanging and clay and tiled roofs. None of the buildings would be overly large or bulky and the roof scape would be broken up through the use of a variety of pitched and hipped roofs throughout the scheme.

The proposal also includes large areas of open space which double as a buffer to the heritage assets associated with Ash Manor. This includes a meadow area to the west of the pond and a larger area to its north-east. This provides a valuable amenity for future residents of the scheme, helps to soften the edges of the development where it meets the currently more rural areas to the north and helps to protect the setting of Ash Manor (which will be discussed in greater detail below).

The spine road will also connect into the eastern boundary of the site where the road will be able to link into the adjacent site. This will ensure that the proposal is compliant with the Council's adopted Strategic Development Framework SPD which states that 'the site should be linked, physically and functionally, with the surrounding neighbourhoods and with the wider village. New points of connection to the existing highway network should ensure adequate space is given to safe pedestrian and cycle movement and crossing'. It goes on to note that 'each application should clearly indicate how connections to adjoining development parcels will be achieved. Layouts which do not facilitate good levels of connectivity between land in different ownerships will not be permitted'. The connection of this link will be secured via the s.106 agreement and a condition which the applicant has already agreed to.

In conclusion on this point it is noted that although the previous layout of the scheme was deemed to be acceptable, the amendments which have been recently received, which include the retention of T67 significantly improve the development. The tree and its buffer will now provide an attractive focal point in the middle of the site and will add a further degree of spaciousness and openness to the scheme. As noted above, the retention of the tree will also help to anchor the development into its existing surroundings.

With conditions to control the landscaping, T67 buffer, boundary treatments, materials and the access into adjoining sites, the proposal is deemed to be consistent with policy D1 of the LPSS, policy G5 of the saved Local Plan, the Strategic Development Framework SPD and the relevant provisions of the NPPF.

### **Impact on the setting of listed buildings**

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.'*

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the National Planning Policy Framework sets 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. Paragraph 195 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 199 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, 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'. This policy reflects the statutory duty in section 66(1). Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS is generally reflective of the NPPF and it states:

- the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported; and
- the impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

In this case the proposal would affect the setting significance of Ash Manor (Grade II\* listed building), and its associated Oast House and stable, as well as Oak Barn (all Grade II).

It should also be noted that the Ash Manor complex sits in close proximity of a number of other developments which have recently gained planning permission and which also form part of the A31 allocation. These include the new Ash road bridge to the north and the housing development at May and Juniper Cottage to the south-east. The cumulative impact of the current proposal and those noted above on Ash Manor and its setting will also need to be considered in the report. While the NPPF does not contain specific guidance on this matter, the Historic England document entitled 'Managing Significance in Decision-Taking in the Historic Environment' states that: *'The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape'*. Historic England's Good Practice Advice Note 3 'The Setting of Heritage Assets' also re-iterates this advice and the PPG makes clear that cumulative harm can be an important factor in assessing setting cases, as noted in paragraphs 18a-013-20190723 (Historic Environment), and 4-024-20170728 (Environmental Impact Assessment).

### Significance

Ash Manor is a Grade II\* listed building and its associated Oast House and stable are Grade II listed, as is the sixteenth century barn on the site. The site of Ash Manor, now split into two properties, Ash Manor and Old Manor Cottage, is believed to have been occupied since the thirteenth century. Part of a medieval moat survives, as does medieval fabric within the house with subsequent later phases possibly from the sixteenth and mid seventeenth centuries. The other listed buildings on the site, an Oast House and barn, have been converted to residential use but their former uses are easily read as is the relationship with the manor house.

In terms of significance, Historic England (HE) state that 'the Grade II\* listed Ash Manor and Old Manor Cottage is one of three listed buildings forming a discrete group within the rural landscape to the north of Ash Green. The buildings significance is derived from its historic and architectural interest as a moated manor house thought to have thirteenth century origins with successive phases of development dating to the sixteenth, seventeenth and the mid-twentieth centuries. Ash Manor and Old Manor Cottage has a strong group value in combination with the nearby Grade II listed Oak Barn, Ash Manor Oast and The Oast House. The listed buildings and the non-designated evidence of the historic moat together have integrity and coherence as a manorial site in a rural setting'.

The sixteenth century former barn (Oak Barn) is sited directly to the north of the application site formed part of the farm associated with Ash Manor. The recently updated listing entry identifies it as an asset which has a combination of architectural, historical and group significance which form the basis for its designation. As regards the Oast House and Ash Manor Oast it is noted that it is originally an oast house of eighteenth-century construction, that is now divided into two dwellings. The former oast has two principal parts, the kiln to the north, which is rectangular in plan with a pyramidal clay tiled roof, and a two storey, three-bay range to the south whose purpose would have been for storage. Both sections are of brick construction. Within the storage range is a pair of large openings, probably originally intended for carts, now used as garaging. Again it is noted that the recently updated listing entry identifies it as an asset which has a combination of architectural, historical and group significance which form the basis for its designation.

Contribution of setting to significance

The site of Ash Manor is believed to have been occupied since the thirteenth century, originally owned by Chertsey Abbey. It became the property of the Crown following the dissolution of the monasteries, and was granted to Winchester College in the late 1540's. The college owned it for the next 400 years selling it into private ownership in 1925. The house was divided into two in 1945.

The current agricultural and open character of the setting of this group of listed buildings is one that has remained constant throughout the sites long history. It contributes to the significance of the group of buildings by illustrating the functional relationship between agricultural buildings and farmland, and the current openness of the surroundings helps us to read the historic importance of this group of buildings. A high-status medieval building such as Ash Manor would not generally have been surrounded by other dwellings, the moat suggests an element of defence which also indicates some degree of isolation.

In response to a previous application made on this site (17/P/00513 refers) Historic England has said that 'the experience of The Manor and the understanding of its importance individually and as part of a group is enriched and informed by the current setting'. The listed farm buildings still have a strong relationship with the surrounding fields both visual and practical with the horses stabled here using the paddocks. The rural character of the farmstead is very apparent when standing outside the Oast House and stables. Furthermore, the current approach to this group of listed buildings is along a narrow country lane edged with hedgerows and groups of trees and bushes. The rural character is emphasised by the informal appearance of the access road and glimpses of fields and open spaces before you turn sharply to the east and glimpses of the listed buildings are revealed. The low key access track is an important element of the current setting.

Assessment of impact on setting

Historic England have provided a series of comments on this application, which are based on the various amendments received during the course of the application. The first comments on the originally submitted scheme noted that they were pleased with direction of travel adopted which reduced the level of harm on the setting of the manorial complex. They noted that the changes made to the previously withdrawn scheme helped to retain more of the current rural experience in accessing the manorial complex from White Lane. However, it was still felt that the original scheme caused some harm to the significance of the listed manorial complex. To improve the scheme and overcome this, HE suggested a number of amendments to the application. These included the re-siting of the proposed substation from the 'northern' field into the 'southern', the introduction of an impermeable boundary formed by landscaping the short distance between these two fields and the access road should be rerouted further east to connect with the adjacent parcel of land proposed for development to the northeast. HE concluded that with these changes to the scheme the level of harm could be further reduced.

Following these comments, the scheme was amended by the applicant. The substation was moved into the southern field and the access road was rerouted further to the east to provide a connection into the site to the rear of May and Juniper Cottages. HE were consulted on the amendments and provided a second response where they welcomed the changes. However, HE did correctly note that the amended scheme proposed to 'alter the shape of the pond, claiming some land from it to the south and extending it round to the north east to pull it into the eastern field. The housing to its east has been brought correspondingly further north, and is now closer to the listed complex than in the previous layout. This weakens the sense of the field boundary in comparison to the last iteration of this scheme, rather than strengthening it.

As the field boundary and pond form are historic and perform the useful function of buffering the listed buildings from the new housing, we are not in favour of this change, and recommend the pond remains in its current form and the housing layout is readjusted slightly to the south, to allow the boundary to be strengthened as previously suggested. At present, we consider harm is caused to the Manor and its associated buildings through development in their setting, and that it is still practicable for harm to be limited further, in the context of a development of this scale'.

Following HE's second response, the applicant undertook further amendments to the scheme. A plot (then referred to as plot 27) was deleted from the layout which increases the buffer between the northern and southern fields as suggested by HE. It is noted that the pond remains the shape as previously proposed. HE were again consulted on the additional amended plans and provided a third response which noted the proposal would now keep all development out of the northern field as was previously advised and that this 'does reduce the impact on the listed complex compared to the last iteration of the proposals'. It was noted that the permeability between the northern extent of the built form and Ash Manor should be restricted further and this could be achieved through additional hedge planting. This will be secured by condition. HE conclude by noting that they consider 'that the scheme will cause some harm to designated heritage assets, and advises that paragraph 196 [now paragraph 202] of the NPPF should inform your decision as to whether the public benefits of the proposal might outweigh what we assess to be less-than-substantial harm'.

Following the deferral of the application by Members at its meeting in October 2019, the applicant embarked on a further round of amendments. The open space to the north of plot eight was increased in depth by approximately six metres. This results in the buffer between the Grade II\* listed building and the new built form increasing from 145 to 151 metres. The buffer between the southern-most Grade II listed building would increase from 80 to 86 metres. While it is acknowledged that the change is relatively minor, any increase in the buffer to the listed buildings can only help to further reduce the harm caused to their setting.

In addition to the above, it is acknowledged that a new dwelling has been inserted to the east of the existing pond (plot 28). However, this would be screened from the listed complex by the existing modern agricultural barn to the south of the Oak Barn and a strong row of planting would separate the dwelling from the open space. However, it is acknowledged that this slightly reduces the size of the buffer in this less-sensitive part of the site. As noted earlier, the design of the apartment buildings were also changed to reduce their height and bulk, with them now appearing as two storey buildings. This change is considered to result in an improvement to the setting of the listed buildings.

Historic England were consulted on these further revisions and note that the changes have altered the layout of the housing south of the grade II\* manor and its associated complex. They have also noted that taking the layout as a whole, they consider that the harmful impact of the scheme on the listed complex would be no greater than in the last iteration of the scheme – i.e. less than substantial harm.

The comments made by HE regarding the existing pond are also noted. They state that the 'pond is an historic feature that along with the existing landscaping performs the useful function of providing a remnant of the original historic landscape context to the Manor Farm complex as well as buffering the listed buildings from the new housing. It is therefore important that the pond, fencing and landscaping around it are designed to retain a natural and rural appearance. If your Authority cannot ensure that this can be achieved, you should consider if there are any alternative ways of providing the SuDS.

Your Authority should also be advised by your flooding specialists regarding whether there is likely to be increased risk of flooding to the listed building complex as a result of the SuDS proposals'. Officers are confident that the conditions set out in the agenda will ensure that the pond is finished in a manner which respects the natural, rural surroundings. This view is shared by the Conservation Officer

As regards the most recent changes to the scheme to retain T67, HE state that on 'the basis of the amendments provided, we do not wish to offer any additional comments, but refer you to our previous correspondence in consideration of these applications'. Their previous comments have already been set out above.

The Council's Conservation Officer has also assessed the proposal. As regards the impact on the Oak Barn the Conservation Officer notes that 'the proposed development would not have an impact upon the barn's most immediate setting, however, it would result in a concerning change to the barn's wider setting. This would manifest, not only by virtue of physical change to the character of this land, including by being perceptible and disruptive in outward views from the heritage asset, as well as inward views, but also, it would facilitate in the erosion of a part of the legible understanding of the site's history, role and use as a manorial farmstead. Equally, the activity and noise generated from the placement of 69 homes and their occupants would certainly have an impact on the assets current tranquil character and sense of privacy'.

In relation to the impact on the grade II\* listed building the Conservation Officer notes that the proposed development would not have an impact upon the immediate setting of this heritage asset, including its gardens and historic moat. And by virtue of its fortunate northern situation and orientation within the complex it is also afforded a good degree of screening and protection from the proposed development, with views southwards towards the proposed development being screened by the other buildings (Oak Barn, The Oast House and Ash Manor House), as well as the prevailing vegetative screening. Nevertheless, there is a concern that the development would have an impact upon its wider setting, particularly on approach.

The Conservation Officer notes that access to the Manor (and all other properties on site) is currently via an informal access track, that runs from the Foreman Road, Ash Green Road, White Lane intersection, which is to the south of the asset, and runs along the western field boundary of the application site. It is noted that one of the requirements of the allocation is for the sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor and that views to and from this heritage asset, including their approach from White Lane, must be protected. The character of this track is defined, in the main, by the hedgerow and field, with views out over towards the housing along Ash Green Road to the east and a wooded tree belt to the west, and does contribute to the experience that you are moving away from the surrounding settlement towards something that is more rural in character and form. As such, there is a concern with the resultant change to character and experience of traversing this access approach, given that the views eastwards will be altered by the introduction of the properties themselves but also their rear gardens and domesticated boundary treatments. There is also a wider concern that the proposal would facilitate in the erosion of some of the legible understanding of the site's history, role and use as a manorial farmstead, by developing on land that the property once historically farmed. However, there is an acknowledgment that the development attempts to retain and capitalise upon the field boundary pattern, thus not totally undermining this legibility.

As regards Ash Manor Oast and the Oast House the Conservation Officer notes that to a large degree, many of the concerns that have raised and discussed for Ash Manor and Old Manor Cottage and Oak Barn are applicable in the case of the Oast House, given that the asset forms part of the same small complex. Much like Ash Manor, the proposed development would not have an impact upon the immediate setting of this particular heritage asset given its orientation and positioning within the site, relative to that of the proposed development. Equally views between the asset and the proposed scheme are curtailed by the fortunate placement and scale of Oak Barn and the large modern agricultural barn/workshop, both of which sit to the south of the heritage asset. But in terms of its wider setting, points which have already been raised concerning the resultant change to character and experience of traversing the trackway approach to the property, as well as the erosion to the legible understanding of the site's history, role and use as a manorial farmstead are equally as valid in this respect.

The Conservation Officer also notes that applicants are now proposing to alter the shape of the large historic pond on site, which includes reclaiming a small amount of land, thus having an impact on the separation distances between the new housing and the listed complex. Whilst, relatively speaking, the encroachment distances are fairly minor, there is still a concern with bringing the development marginally closer, if the aim is to mitigate harm. This harm will be considered further below.

Notwithstanding the above, taking into account Historic England's original comments and their suggestions on how to improve the scheme, as well as the more recent changes which have been made, it is considered by Officers that the applicant has made reasonable attempts to improve the layout and design of the scheme, whilst still achieving a development which will contribute to the Council's housing delivery in line with the site allocation. The proposal retains the existing track which provides access to the Ash Manor complex. This has landscaping on either side and a 15 to 21 metre wide buffer to the elevations of the closest proposed dwellings. As noted above this helps to retain the current rural experience in accessing the complex from White Lane and provides for a more sensitive design and layout around the boundaries of the complex which are impacted by this proposal. Compared to the previously withdrawn scheme a buffer which is free from development has been included around the south and east of the complex. The land associated with this buffer is approximately 0.08 hectares in area and is approximately 40 metres deep. This means that the dwellings proposed through this application are a minimum of 86 metres away from the Grade II listed buildings and 151 metres away from the Grade II\* listed building, with the gap being landscaped and provided with hedge screening to limit views between the two (secured by condition). Through the retention of the existing access to the complex and the provision of the buffer, it will help to reduce any impacts on views to and from the heritage assets, including the approach from White Lane, however, as noted above there would be some harm caused in this regard. While the retention of T67 has also reduced the number of units to 69 and improved the layout from a design perspective, it is Officer's view that the change does not materially reduce the harm to the setting of the listed buildings.

The concerns of HE and the Conservation Officer relating to the extension of the pond are acknowledged and this harm will also need to be taken into account. However, it also needs to be considered that the enlarged part of the pond would be 40 metres away from the complex and 105 metres away from the Grade II\* listed building and would be screened from direct views by the existing modern agricultural barn. In addition, Officers are confident that the conditions set out in the agenda (including the new condition relating to the treatment of the pond perimeter) will ensure that the pond is finished in a manner which respects the natural, rural surroundings.

All in all, the Ash Manor complex would retain a relationship with the surrounding fields and its rural character as a farmstead would still be appreciated to some degree. It is considered that the applicant has achieved an acceptable balance between protecting the significance of the heritage assets and providing the dwellings that are needed.

The proposal would also inevitably lead to increased activity within the setting of the complex and associated noise etc. However, apart from the temporary impacts associated with construction, the noise resulting from this proposal would be of a domestic nature in an area which already has residential occupation (including all of the listed buildings).

Although the applicant has sought to minimise the harm caused to the setting of the Ash Manor complex, there would inevitably be some harm caused. The applicant's Heritage Assessment notes that the proposal would result in 'less than substantial' harm to the heritage assets, a view which is supported by Historic England. The Council's Conservation Officer takes a similar view and notes that considering all three assets on an individual basis it is concluded that for each one there is resultant harm to significance and setting. However, it is also acknowledged that during the course of the application amendments have been made to the scheme to aid in the mitigating of arising harm. When assessing 'harm', current good practice is to consider the resultant harm against a spectrum, ranging from low to high. With that in mind, it is concluded that the degree of harm caused to these assets, even when taking into account the mitigating measures, can be described as being at the lower end of the 'less than substantial harm' spectrum.

Officers concur with these views and therefore, in NPPF terms the harm to the identified assets arising from the proposal itself is considered to be less than substantial and at the lower end of that scale.

#### Cumulative impact

As noted above, since the original approval of this application two other large-scale developments have been approved in relatively close proximity. These are the new road bridge which bypasses the level crossing in Ash and the housing scheme at May and Juniper Cottage.

The new road bridge is located to the north of the Ash Manor complex and the main infrastructure is separated from the listed building by a distance of approximately 195 metres. While the development itself would be partially visible from Ash Manor, this would reduce in time due to the large amount of screening and planting which has been secured. However, this would not remove the increase in noise, light and general disturbance from the bridge which will detract from the current more tranquil, rural setting of the buildings.

In terms of the May and Juniper Cottage application it is noted that this was an outline consent for 100 dwellings. Although consent was granted, the subsequent reserved matters application will need to detail how the exact design of the scheme would preserve the setting and significance of Ash Manor.

All of the above means that the amount of development which will surround the Ash Manor complex has increased and together the proposed scheme, this will result in an increased erosion to its context and its rural setting.

As noted earlier in the report, following the quashing of the original grant of permission, Historic England have been invited to comment again on the proposal and, in particular, on the issue of cumulative impacts following the approval of the new road bridge and the housing development at May and Juniper Cottage. Historic England's most recent response notes the following regarding the possible cumulative impact on the Ash Manor complex:

*'In our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new the road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented developments nearby are taken into account. We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that it is likely to be less than substantial'.*

The Council's Conservation Officer has also considered the issue of cumulative harm. Her view is that the harm to the complex as a whole, taking into account the cumulative impact of the proposal together with the consented road bridge and May and Juniper, would still be 'less than substantial' within the meaning of the NPPF. However, the cumulative harm caused would be greater than the harm that would be caused to the assets when the proposal was considered in isolation. In her view the cumulative harm to the assets would be in the low to middle range of the 'less than substantial' scale.

Both HE and the Council's Conservation Officer therefore conclude that, even when the cumulative harm is taken into account, it would still amount to 'less than substantial'. The Council's Conservation Officer has concluded that, on the less than substantial scale, the cumulative harm would fall in the low to middle range. Officers agree with this conclusion.

Having reached the view that the proposal results in harm to surrounding heritage assets, it is re-emphasised that paragraph 199 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This accords with the duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. It is noted that the harm identified includes a Grade II\* listed building and the therefore the weight to be given to this harm should be calibrated accordingly.

In a situation where less than substantial harm is identified, the NPPF at paragraph 202 states that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The public benefits of the proposal will be set out below. Whether these claimed public benefits outweigh the heritage harm, taking account of the great weight and considerable importance that must be afforded to that harm, will also be assessed.

### **Public benefits and balancing exercise**

The report has concluded that the development and its associated works would result in less than substantial harm to the Ash Manor complex which includes Grade II\* and II listed buildings. When the cumulative development around Ash Manor is taken into account, the Council's Conservation Officer considers that the level of harm would be in the low to middle range of the 'less than substantial' scale. It is however re-emphasised that any harm to a designated heritage asset must be given considerable importance and weight in the assessment. This includes when the balance in paragraph 202 of the NPPF is applied.

Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Guidance in the form of the Historic Environment PPG explains the concept of 'public benefit' stating that 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit'. It is acknowledged that the proposal does result in a number of public benefits and these will be set out and discussed below:

- the proposal would deliver a total of 69 dwellings in a mix which is generally compliant with the SHMA. Following discussions between Officers and the applicant, a one year permission has again been agreed which will ensure that dwellings are delivered early in the plan period, where there is projected to be significant demand for additional homes. The early provision of such a sizeable number of dwellings with an optimum mix is deemed to be a public benefit of the proposal.
- of the 69 dwellings, 28 would be affordable properties. While it is acknowledged that this what policy requires, nevertheless, the provision of a large number of affordable dwellings with an acceptable mix, in a borough where there is significant demand for such properties is deemed to be a public benefit of the proposal.
- it is noted that a number of residents have raised concerns about highway safety in the area. As part of the application, the applicant has agreed to implement and fund a range of measures which will help to improve highway safety. These include the reduction of the speed limit along Foreman Road from 40mph to 30mph, the provision of traffic calming measures and the installation of higher grip surfacing approaching the existing junction. These measures will help to improve highway safety in the area, not only for future residents of the development but also for other road users.
- the proposal would also enhance the existing pedestrian and cycle connections in the locality, particularly the link to Drovers Way and the provision of new pedestrian pavements so as the railway station can be reached safely on foot.
- the buffer which is being created to the south and east of Ash Manor will be a new public amenity space for future and existing residents of the area. This open space area would be natural in its appearance and would improve the ecological value of this part of the site, which is currently in use as pasture for horses. The applicant has also committed to planting new native hedgerows on the site and installing a range of ecological features including bat boxes. The proposal would therefore improve the ecological value of this part of the site and improve open space provision for the existing community.
- the proposal now incorporates T67 into the design which is considered to be a veteran tree. While this tree is alive and showing signs of growth, its health and condition has been compromised in the past due to potentially water logging of the site, no / little management or maintenance and the impact of stock and horses. The incorporation of T67 into the scheme will ensure its longer term retention and management. The Council will be able to secure this by condition, as well as how the buffer will be treated and landscaped. There is also the potential for the installation of interpretation boards within the buffer so that the history of the tree and its importance can be understood by the new community.

- the applicant has agreed to a wide range of contributions which will help to improve community facilities in the area including playspace, education, healthcare and policing. While it is acknowledged that these contributions are required to mitigate the impacts of the development, nonetheless they will result in public benefits.

Overall, the public benefits of the proposal are wide ranging and significant. The delivery of this part of the allocated site will provide both the market and affordable homes which are identified through the Local Plan and will result in improvements to highway safety, ecology and the existing community facilities.

Although great weight and considerable importance has been afforded to the harm which would be caused to the designate heritage assets, including the increased weight in respect of the Grade II\* listed asset, it is considered that the scale of the public benefits which will be gained from the proposal are sufficient in this instance to outweigh the identified heritage harm. As the impact of the development on the significance of heritage assets and their settings has been considered in accordance with case law, legislation and the NPPF and deemed to be acceptable when factoring in the public benefits, the proposal is also considered to be compliant with the requirements of policy D3 of the LPSS.

### **Impact on neighbouring amenity**

The proposal has the potential to impact on the amenity of a number of existing residents.

#### **Ash Green Road**

The properties to the south east of the site, on the opposite side of Ash Green Road are a mix of detached and semi-detached dwellings, most of which are two storeys in height. The proposed development has been designed with a buffer along its southern boundary to Ash Green Road, which means that the new dwellings would be separated from those opposite by a distance of approximately 32-35 metres. This means that there would be no material loss of amenity to the existing residents on the eastern side of Ash Green Road.

It is acknowledged that a number of residents raise concerns about the potential overlooking and overshadowing from the proposed apartment buildings to the Ash Green Road dwellings. While these concerns are noted, the distance of separation is such that there would be no material loss of amenity to the occupants of these properties. This is even more so as a result of the changes to the apartments and their reduction in height.

#### **May and Juniper Cottage**

This is a pair of semi-detached dwellings situated off the north-eastern corner of the site. Plot 46 would back onto May Cottage, with its rear garden forming the boundary between the sites. A gap of approximately 20 metres would be retained between the elevations of the dwelling on plot 46 and May Cottage. On this basis, there would be no harm caused to the amenity of the residents of May and Juniper Cottage.

Ash Manor

As discussed above, Ash Manor contains four individual residential dwellings and is located to the north of the application site. The proposed dwellings would be located well away from these properties, with the existing pond and an area of open space acting as a buffer between the two. As such, the proposal would not result in any harm to the amenity of these existing residences.

It is also noted that an indicative landscape strategy has been submitted by the applicant which illustrates how the open space within the development could be laid out and designed. It is noted that concerns have been raised that the landscape strategy for the paddock to the east of the Ash Manor complex includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of the residents of The Oak Barn or The Oast House from dog walking etc, nevertheless, an additional condition is suggested to ensure that the boundary between the site and these residences is adequate to act as a buffer.

Approved development at May and Juniper Cottage

It is noted that plots 41 and 42 would be the closest properties to the May and Juniper Cottage development site. While it is acknowledged that May and Juniper Cottage only has the benefit of outline planning consent, the closest proposed plots to its boundary (plots 41 and 42) would be sited a significant distance away. As such, there would be no harm caused to the potential dwellings on May and Juniper, wherever the units are situated.

Given the above, the application is deemed to be acceptable in this regard.

**Private amenity of the proposed dwellings**

Policy H1 of the LPSS states that 'all new residential development must conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG)'.

As can be seen from the table below, all of the house types proposed as part of the development comply with the relevant space standards in terms of their overall size. The bedroom size and storage provision is also compliant. The proposal is therefore deemed to be acceptable in this regard.

<b>NDSS Compliance Table</b>				
House Type	Occupancy	GIA NDSS Min. (Sq.m.)	Proposed GIA (Sq.m.)	Comply ?
Burghclere	2B4P	79	85.02	Yes
Eversley	2B3P	70	72.38	Yes
Marlow	3B4P	84	116.94	Yes
Ripley	3B5P	93	101.4	Yes
Witney	4B7P	115	123.98	Yes
Avington	4B7P	115	126.02	Yes
Shalford	4B8P	124	147.46	Yes
Marlborough	4B7P	115	142.1	Yes
Chilworth	3B4P	84	111.6	Yes

Epsom	3B4P	84	88.58	Yes
Longstock	4B6P	106	126.58	Yes
Godstone	4B6P	106	118.34	Yes
Cranleigh	3B4P	84	93.52	Yes
3B / 3BA	3B5P	93	95.94	Yes
2B	2B3P	70	71.3	Yes
4B	4B6P	106	108.64	Yes
1B2P	1B2P	50	50.42 min	Yes
2B4P	2B4P	70	72.26 min	Yes
2B3P	2B3P	61	66.04	Yes

All of the proposed houses would have adequate areas of private amenity space, with most properties also including front garden areas. While the apartments have relatively small areas of communal open space within their plots, the site does include large areas of open space to the south of Ash Manor which could be used by all residents.

As such, the amenity of the proposed units is deemed to be acceptable.

### **Highway/parking considerations**

Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is supported by a Transport Assessment (TA) which has been assessed by the County Highway Authority (CHA). Amended and additional information was also submitted, following initial concerns which were raised by the CHA.

### **Capacity of highway network**

The TA notes that the traffic generation of the site has been calculated at approximately 34 two-way trips in the weekday morning and evening peak hours. It is however noted that this figure was based on a proposed 77 dwellings, so the number of trips would now be a little lower due to the reduction in the number of units to 69.

The TA shows that the existing junctions tested, currently operate within capacity with minimal queuing and will continue to do so in the future years, even with committed development, the proposed development and additional 'live' (but not committed) planning applications taken into account. The applicant's modelling has been reviewed by Surrey County Council and no objections have been raised regarding the impact of this proposal on the capacity of the network subject to some improvements being made at junctions within the vicinity of the site. A s.106 contribution has been secured to go towards these improvements.

### **Access and highway safety**

It is noted that the previously withdrawn application included a roundabout at the junction of Foreman Road, Ash Green Road and White Lane which provided access into the site. This was considered to be an overly urban intervention into this semi-rural area and following discussions between the applicant, Local Planning Authority and County Highway Authority, it was agreed that a 'T' junction would be an acceptable alternative. A footway will be provided connecting the site to the existing footway on Foreman Road which will link the development to the existing network on Grange Road.

Future occupiers of the site will have a continuous footway link to Ash railway station and the bus stops on Ash Church Road through the development on Grange Road, once implemented, or via Church Lane. A footpath is also to be provided towards White Lane and to the bus stop.

As noted above, the access arrangement has been demonstrated to work in terms of capacity. There is sufficient visibility for vehicles leaving the access and for vehicles on Foreman Road. A build out is to be provided on the spine road to deter vehicles from using the track which provides access to Ash Manor. To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution has been secured to go towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. The developer will also implement traffic calming measures on Foreman Road.

The spine road has been designed and located so that it will connect into the adjoining site which will then allow further connections to the north-west and the new Ash road bridge. This connection is to be secured via the s.106 agreement and the conditions. Linking the various sites within the allocation is an important aspect of the Strategic Development Framework as it will allow for the creation of developments which flow from each other, rather than the provision of multiple self-contained sites with their own access points. This will help to improve connectivity in the area and within the allocation itself.

Given these measures, no highway safety objections have been raised by the County Highway Authority.

### Parking

A total of 143 car parking spaces are provided on site. These are in the form of garages, driveway parking spaces, parking courtyards and on-street parking. This equates to just over two parking spaces per unit. It is noted that the scheme provides an adequate number of on-site parking spaces and the proposal is deemed to be acceptable in this regard.

As regards highways impacts it is concluded that the proposal would not result in any material increase in traffic in the area and no capacity concerns are raised. It is noted that this conclusion is reached taking into account all approved, committed and likely development in the immediate area. With the mitigation measures proposed, there would be no adverse impact on highway safety. As such, the proposal is deemed to be acceptable in this regard.

### **Flooding and drainage considerations**

The site is located within flood zone one which is land assessed as having a less than 1 in 1,000 annual probability of river flooding. There is also a small area at a low risk of surface water flooding which is associated with the existing pond to the north of the site. As part of the application a Flood Risk Assessment (FRA) has been submitted which has been supplemented with additional information requested by the Lead Local Flood Authority (LLFA).

The FRA notes that all road and roof runoff will drain to an adoptable network. The model demonstrates that the drainage network will drain by gravity and discharge into an attenuation pond located along the northern boundary of the site. The attenuation pond is located at the same location as the existing pond which will be re-profiled to provide a storage volume which meets the need of the development. The attenuation pond has been sized to store and release all surface water runoff from the proposed development at a rate of 5l/s up to and including the 1 in 100 year plus 40 per cent climate change event. It is likely that the pond will contain water through most of the year (apart from periods of prolonged low rainfall) and this will provide a habitat for flora and fauna.

A maximum water level for the pond will be also be set. The outlet from the pond will be fitted with a flow control device that will restrict flows to a maximum rate of 5l/s. The outfall will then discharge to an existing drainage ditch located to the north of the site.

To manage extreme storm events and to prevent water entering onto third party land, the proposed topographical profile of the proposed development will be designed to direct surface water run-off away from proposed buildings and toward either landscaped areas, open attenuation or the existing drainage ditches along the north east and north west boundary of the site. This will provide additional protection against surface water flooding during an exceedance event and will protect neighbouring properties from flooding.

It is acknowledged that a number of local residents, including one local resident who (although objecting in a private capacity) appears to have relevant expertise in groundwater matters, have raised concern about flooding. In particular, the main concern is that the existing pond, which is to be used as a retention pond. is groundwater fed. It has been suggested that adding further water to the pond from the proposed development may mean that water levels in the pond could increase, over-top its bank and flood and damage the surrounding land, including the adjacent listed buildings.

This was an issue which was considered when the application was previously determined in December 2019. At that time, the LLFA had received technical reports provided by the applicant's specialist consultants addressing the specific issue of potential groundwater ingress to the proposed retention pond, as well as the critique of those reports provided by the local resident. The LLFA confirmed that they were satisfied that the applicant has provided sufficient information on surface water drainage (subject to the imposition of appropriate conditions).

As noted above this issue formed a ground of challenge in the judicial review, with it being argued that the Council had failed to have sufficient regard to the representations of the local resident in question about the risk of groundwater flooding. The Court rejected this ground of challenge, holding that the officers and committee took account of the views of local residents, but were entitled to accept the view of the LLFA that the applicant's technical evidence demonstrated that there was no increased risk of flooding.

Since the original assessment of the proposal, further correspondence has been received on this issue from objectors. In particular, the local resident mentioned above has provided a further representation in relation to the duplicate application on this site, but which is also of direct relevance to this proposal. In that representation (dated 16 October 2020), the resident critiques the applicant's Technical note of 14 September 2020. His central concern is expressed as follows:

*'the vital assumption being made by the applicants is that the pond can be engineered to increase its capacity to retain the excess run-off from the site. I maintain that this will not work because the pond is fed by at least one source other than surface water run-off. It is a simple and logical explanation for the pond being permanent rather than seasonal, which is the case for some of the other ponds in the area. The authors of the technical note, made in response to my submission, have challenged this interpretation. However, I note they have failed to provide an alternative explanation for the permanence of the pond even in times of severe drought'. The resident then goes on to conclude that 'I have argued that it is not, as suggested by the authors of the technical report,...implausible that significant hydraulic connectivity exists between the confined groundwater [...] and surface water features....[rather] The observed characteristics of the pond support my assertion that it is made permanent by, perhaps, multiple inputs of water, including groundwater. And it would not be a unique feature of this area.*

*Birch's History of Tongham, which I refer to in the introductory paragraphs, states that springs were common in the area, suggesting that localised hydraulic connectivity between the groundwater and the surface is typical rather than atypical of the clay stratum in Ash Green and Tongham. The evidence suggests that it is indeed plausible for sufficient hydraulic connectivity to exist between the groundwater and surface features. I am very concerned that the applicant's knowledge and understanding of the area is extremely limited and that wrong assumptions are being made about crucial features of the proposed site of the development. This is a fragile environment where mistakes will have a severe detrimental affect on important historical buildings. For this reason, I continue to object to their proposals'. It is noted that the comments raised by the local resident can be viewed in full on the Council's website through this application and 20/P/01461.*

Following the further objection, the LLFA referred this matter with ground water quality risks specialists at the Environment Agency (EA). This was on an 'informal' basis given that the EA is not a statutory consultee. The EA, through the LLFA, requested that the applicant provide further clarification and response to their queries.

On the 11 February 2021 the applicant provided responses to the LLFA/EA queries. At the same time the applicant also provided another Technical Note (11 February 2021) in response to the resident's concerns.

Following the provision of the additional information, the LLFA's provided further comments on 25 February 2021, which stated as follows: *'following [residents] objection letter...SCC as LLFA asked the Environment Agency ground water specialists to informally (as they are not statutory consultee) to review the data provided by the applicant. Subsequently [the applicant] provided a response to [the resident] and to our queries. The data provided by the applicant including analysis by the applicant's hydrogeologist indicates that there would be no significant impacts on ground water flow if the proposed attenuation basin was to be lined. Therefore, we propose that our suggested planning conditions remain as previously proposed. The applicant should ensure that the lining of the pond is suitably designed to take account of the conditions shown by the GI report, in particular to mitigate any minor ground water flows and allow ground water movement past the pond for ground conditions throughout the year'.*

Officers have also received clarification from the LLFA that the applicant's Technical Note (11 February 2021) had been referred to the EA, and that the EA had provided advice to the LLFA which had enabled them to conclude that the applicant had addressed the previous queries raised.

In response to the changes to the scheme to retain T67, the LLFA have again confirmed that the proposed drainage scheme is acceptable.

While the Council recognises that residents will still have concerns about this proposal, the Council has now been provided with a large amount of technical data and assessments from the applicant. All of this information has been reviewed by the LLFA, this time together with informal consultation with ground water quality risk specialists at the Environment Agency. The LLFA maintain that the drainage strategy associated with this proposal is acceptable.

Planning conditions have been recommended to ensure the 'principles' set as part of the application are followed through the detailed design and construction phase of the development. These conditions are pre-commencement conditions. In addition, a verification report has been conditioned. This requires the applicant to demonstrate that the surface water drainage system has been constructed as designed, with any minor amendments picked up. In addition, a new informative will also be added to the permission which states that 'as part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions'.

Given all of the above, and on the basis of the specialist advice received, officers do not consider that the proposal would result in any increased risk of flooding to the site or the surrounds and therefore, the proposal is considered to be compliant with saved policy G1 and the relevant provisions of the NPPF.

### **Sustainable energy**

Policy D2 of the LPSS states that new buildings must achieve a reduction in carbon emissions of at least 20 per cent and that this should be through the provision of appropriate renewable and low carbon energy technologies and the use of good quality building fabric. It is noted that policy D2 requires major developments to include a sustainability assessment to set out how the requirements of the policy are being addressed.

The applicant has not submitted a Sustainability and Energy Statement with the application. While this is regrettable, the applicant has agreed to a condition which requires the submission of such a statement early in the construction phase which demonstrates that a 20% reduction in carbon emissions is being achieved and how this it is being secured.

The applicant has not submitted and details of waste management to address matters in relation to minerals efficiency, waste reduction and the prioritisation of reuse and recycling for waste material, which is a requirement of policy D2 and guidance set out in the Council's Climate Change, Sustainable Design, Construction and Energy SPD. Further details shall therefore, be secured by condition.

### **Open space provision**

Saved policy R2 states that new large scale residential developments will require new recreational open space according to the following standards:

- 1.6ha of formal playing field space per 1,000 people;
- 0.8ha of children's play space per 1,000 people; and
- 0.4ha of amenity space per 1,000 people.

The proposed development is not of a sufficient size to deliver formal playing field space. In terms of children's playspace, it is noted that the applicant has agreed to provide a contribution of £84,969.17 towards the provision or improvement of a children's playspace in the vicinity of the site. This is deemed to be acceptable to mitigate the impacts of the development in this regard and it will ensure that an appropriate facility is available for residents of the site to use.

In terms of amenity space, a total area of approximately 0.075 hectares of land is required. As noted above, the buffer between the proposed dwellings and Ash Manor is within the application site and this would be the main amenity space for future residents. It is noted that this space has a total area of approximately 0.08 hectares in size, which meets the Council's requirements.

An indicative landscape strategy has been submitted by the applicant which illustrates how the open space between the development and Ash Manor could be laid out and designed. The submitted landscape strategy will not be an approved drawing and the final landscaping will still need to be agreed through condition seven. It is noted that concerns have been raised that the landscape strategy includes footpaths around the open space and that increased activity in this area may lead to disruption and noise for neighbouring residents. Although officers feel that there would be no harm caused to the amenity of residents from dog walking etc, a condition is suggested to ensure that the boundary between the residences and the open space area is adequate to act as a buffer.

The proposal is deemed to be acceptable in this regard.

### **Impact on trees and vegetation**

It is noted that all trees worthy of retention have been afforded protection either by the TPO 1 of 1972, TPO 4 of 1974 or the two recent TPOs, 6 and 7 of 2017.

The Council's Tree Officer notes that the Oak tree at the junction of Ash Green Road / White Lane / Foreman Road, which was proposed for removal as part of the previously withdrawn scheme is now to be retained which is welcomed. The protection of this tree and others around the perimeter of the site could be controlled by condition.

### **Veteran Tree - T67**

Paragraph 180 of the NPPF states that 'when determining planning applications, local planning authorities should apply the following principles'. Point (c) of paragraph 180 advises the following: 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'. Footnote 63 provides further information on 'wholly exceptional reasons' and states 'for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat'.

It should also be noted that the following definitions are provided in the NPPF:-

**Irreplaceable habitats:** Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

**Ancient or veteran tree:** A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Policy ID4(1) of the LPSS also states that 'the Council will maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, particularly within and adjacent to Biodiversity Opportunity Areas (BOAs). The Council will produce a Green and Blue Infrastructure Supplementary Planning Document (SPD) setting out how this approach will be implemented'.

Saved policy NE5 of the 2003 Local Plan also notes that 'development will not be permitted if it would damage or destroy trees protected by a Tree Preservation Order or in a conservation area unless the removal would:

1. be in the interests of good arboricultural practice; or
2. the need for the development outweighs the amenity value of the protected trees.

If the removal of any trees is permitted as part of a development, a condition may require that an equivalent number (or more) of new locally native trees be planted either on or near the site.

Saved policy NE6 also states that 'in considering proposals for development on undesignated sites where there is found to be a significant wildlife interest, the council will seek to preserve and enhance the features of ecological value.

It is acknowledged that up until recently, and as reported in previous reports to the Planning Committee, the Council's Tree Officer has been of the view that T67 whilst exhibiting some veteran characteristics, was not of a girth which would put the tree into a veteran classification. Therefore, the Tree Officer was previously of the view that T67 was a locally notable specimen, rather than a veteran. It is also acknowledged that the question of whether or not T67 is a veteran specimen also formed a ground of challenge in the judicial review, it being argued that the Council failed to have regard to SWT's advice that T67 was a veteran tree, and acted irrationally by not following that advice. The Court rejected this argument, concluding that the Council were entitled to prefer the views of its Tree Officer and the applicant's Arboriculturalist to that of SWT.

Notwithstanding the above, it is noted that having undertaken further research into the issue, the Tree Officer has now re-evaluated his previous opinion and recommendation and is now of the view that T67 is a veteran specimen. The Council has also subsequently sought an independent opinion from a consultant arboriculturalist who has commented as follows: 'based upon my assessment and measurements, I confirm that I consider the oak meets the criteria for consideration as a veteran tree in the context of para 175c of the NPPF [now paragraph 180(c)]. I measured the stem diameter of the oak at 1.5 metres as 1330 millimetres, which equates to a girth of 4.18 metres. (These figures accord with the dimensions recorded in the Thomson Environmental Consultants report of 05.02.21). This puts the tree comfortably above the minimum girth for categorisation as a veteran in Fig 1.3 of the 2013 ATF publication 'Ancient and Veteran Trees: further guidance on management, this being approx. 3.7m. Further, the tree has numerous characteristic features of veteran and ancient trees, including:

- basal decay with at least one active fungal colonisation (*Ganoderma sp*) and pockets of wood mould;
- areas of partially detached, lifted and cracked bark;
- a substantial volume of large diameter dead wood, with the sapwood in varying stages of decay, and cracks and splits in several branches;
- one significant cavity (100mm diameter by 200mm deep) and smaller holes in the areas of necrotic bark;
- lichens on dead branches in the southern side of the crown; and
- seasonal water pockets in the branch crotches.

It is noted that the Council's ecology consultants (SWT), as well as AGRA have always been of the view that T67 is a veteran specimen. SWT note that due to its age and condition it should be classed as a veteran tree and that it offers 'exceptional biodiversity value'.

Having regard to the above information from the Council's Tree Officer, the independent arboricultural consultant, as well as the views already expressed by AGRA and SWT, and notwithstanding the views of the applicant's arboriculturalist, Officers have concluded that T67 should be categorised as a veteran tree. It is noted that the proposals originally resulted in the felling of T67. However, since the Council's Tree Officers latest comments were released the applicant has now submitted amended plans. These include the retention of T67 with a buffer around its perimeter.

The Council's arboricultural consultant has stated that 'I see the recent revision of the layout to accommodate the retention of the oak as very positive. The drawing provided indicates that the area of open space within which the tree will sit is in excess of 35 metres in diameter [measured from the trunk], which provides a more than adequate rooting volume and additional space beyond its crown spread all around. This area will have to be rigorously protected throughout the construction period to safeguard the oak. Upon completion of the development, the area beneath the tree's crown should be fenced or hedged to exclude access and ideally, the enclosed area mulched. The mulching, in association with the absence of grazing livestock, will result in an improvement to the tree's current rooting environment. Going forward, the stability of the longer dead branches will need to be monitored and these shortened if necessary to maintain their stability, to avoid them being shed in their entirety'.

It is noted that SWT also welcome the retention of T67 and state that 'in order to ensure that the development will not result in loss or deterioration of the veteran tree, the Planning Practice Guidance advises appropriate mitigation measures will depend on the development but could include 'protecting ancient and veteran trees by designing open space around them' and / or a buffer zone of semi-natural habitats, clarified as 'a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter'. SWT therefore advise that appropriate open space / buffer zone of semi-natural habitat is present and protected from future development immediately adjacent to veteran tree T67. Appropriate protection for the tree and management of this open space / buffer zone habitat should be included within landscape and ecological management proposals. The Council's Tree Officer agrees with the SWT comments above regarding the size of the buffer, and notes that using the most recent measurement of the diameter of the tree of 1330mm, the buffer zone should be in the region of 20 metres, which the revised site layout plan easily meets. The management of the tree and the buffer will be secured by condition. As the development now protects and offers management for a veteran tree, there is no conflict with paragraph 180(c) of the NPPF.

Finally, as regards the health of the tree the Council's Tree Officer had originally commented that T67 was in very poor health. It was noted that 'there is significant basal decay around the entire circumference of the tree, to such a level that the main stem is highly likely to fail and therefore presents a health and safety risk'. Since these comments were made both the Tree Officer and the Council's arboricultural consultant have visited and inspected the tree. This involved more detailed investigations including the use of a ladder to view the higher components. The arboricultural consultant notes that 'it appears that the extensive dieback of the tree's crown and historic basal bark damage is due to ground poaching by livestock rather than natural retrenchment. However, this is no longer an issue, and the decline has arrested. Indeed, the tree has produced a significant amount of new growth around the base of the crown and along the upper side of the inner sections of the major limbs that remain alive. This new growth is of good vitality and a number of the low branches have already produced extension growth of 150 millimetres this season. Although there are only two columns of conductive tissue remaining, extending up from the live buttresses on the north-eastern and north-western sides, I consider that these should be sufficient to sustain the tree provided they remain undamaged.

The basal decay is largely affecting the sapwood and I do not foresee this rendering the tree unstable in the foreseeable future. Accordingly, I would assign the oak the highest 'A' retention category, sub-category 3, under the BS5837 quality assessment, the sub-category reflecting its conservation value. It could arguably also qualify under sub-category 2, as it is a visually significant feature of the local landscape'.

The Council's arboricultural consultant goes on to note that '...my opinion is somewhat at odds with [the Council's Tree Officer's] earlier assessment of the oak, summarised in his email of 11 February, in which he describes the tree as in terminal decline, stating that the majority of the crown was dead. Whilst the tree has clearly suffered a period of significant decline, it is regenerating well and, subject to its rooting environment being protected, I consider it has a reasonable remaining useful life expectancy. With regards to the comments relating to the stability of the oak, although there is extensive decay around the base, I consider the remaining columns of functional wood are currently sufficient to support the tree and that the risk of failure was overstated in [the Council's Tree Officer's] email.

Since his original comments, the Council's Tree Officer has reconsidered this matter and has commented as follows 'having had the opportunity to view the Oak tree on 29 June 2021 with the tree in full leaf and with all ground vegetation removed from the around the base of the tree, I am able to provide an updated assessment on the health and vitality of the tree. Seeing the tree in high summer and therefore full leaf, shows a good degree of healthy extension growth and good leaf size from the regrowth at the base of the crown and main scaffold branches. This indicates that the tree is currently showing good vitality. Through the mechanism of development, there is an enhanced opportunity to protect the tree and importantly improve and protect the soil / rooting environment around the base of the tree. This would not normally be possible while the tree remains in an agricultural setting. With vegetation cleared from the base of the tree, two areas of conductive tissue were identified, emanating from two buttresses. Protecting the environment around the base of the tree will ensure these buttresses remain healthy and viable in supporting the longer term retention of the tree. I am satisfied that with appropriate arboricultural management, both above and below ground, the Oak tree can remain a viable specimen and that health and safety concerns can be managed accordingly with appropriate measures put in place'.

Subject to the conditions mentioned above, the proposal is deemed to be compliant with paragraph 180(c) of the NPPF.

### **Impact on ecology**

The applicant has submitted an Ecological Appraisal as part of the application. This was updated with a further technical note which sought to address concerns raised by Surrey Wildlife Trust (SWT).

The Phase 1 habitat survey which has been undertaken has established that the site is dominated by habitats of negligible to low ecological value. The loss of these habitats is therefore of low significance, whilst habitats of elevated value (namely hedgerows) are largely retained, aside from short sections to allow for site access. Faunal species are not considered to present any significant constraints to development of the site, although a number of mitigation measures are proposed, which will help to protect bats, Great Crested Newt (GCN), reptiles and small mammals, such as Hedgehog.

As regards other ecology matters the latest AGRA objection raises concerns about GCN and bats. The objection is not accompanied by any evidence from a professional ecologist, and it is noted that a document from the Bat Conservation Trust (appendix 2) which is labelled by AGRA as 'The Bat Conservation Trust report into Barbastelle bats recorded at the site' is a very general document, setting out where populations of Barbastelle bats may be present across the country, but with no specific reference to Ash Manor or any other site.

The applicant has assessed the AGRA objection and has submitted a further Ecology Technical Note. In relation to GCN the following should be noted (taken from the Technical Note):

*During the course of the ecological survey work undertaken at the site, one pond was identified within the site, whilst a further four ponds were identified within 250m of the site boundary. Accordingly, Phase 2 survey work was undertaken during May 2016 to establish presence/absence of GCN within these ponds. In order to establish presence/absence of GCN, environmental DNA (eDNA) analysis was conducted on the pond within the site (P1) and three of the offsite ponds (P2, P3 and P6) in May 2016, in accordance with the technical advice note provided by the Freshwater Habitats Trust (FHT) and approved by Natural England. No access was permitted to offsite pond P5 at the time of these surveys, although it is understood from publicly available records (Natural England licence return data) that it has since recorded as having GCN present, and surveys carried out in relation to a nearby development at 'Land north of Grange Road, Ash' (reference 17/P/02158), that this pond was recorded in 2017 to have a 'small population' of GCN, as reported in the accompanying Ecological Impact Assessment submitted with the application. All eDNA survey results analysed from this survey were returned negative. Great Crested Newt surveys were also undertaken in the area surrounding the site for a separate scheme in 2018 (Ash road bridge scheme). This work included ponds P1, P2 and P3, and all samples from all ponds again produced a negative eDNA test result. Further site inspections and examination of photographic evidence of these ponds were carried out in 2021 to confirm that the ponds had not changed in respect to their likely suitability.*

*The AGRA consultation response makes reference to the fact that the original survey data 'is outside the allowable timeframe', being older than the 2-4 seasons which government guidelines recommend. Notwithstanding the fact that such guidelines are only a guide (to be informed by ecological expertise), we are in position to provide recent eDNA survey data for three ponds (P1, P2 and P3), which have been undertaken in relation to a nearby application during April 2021, and which have confirmed that the ponds have again recently tested negative for Great Crested Newt. On this basis, the current proposals will not have any direct effect on ponds used by GCN for breeding or resting, which includes the proposed reconfiguration of pond P1. In considering the risk of impacts to GCN using terrestrial habitat within the site, an assessment has been previously provided (Aspect Ecology Ecological Statement 2021), using the Natural England GCN Mitigation Licence Method Statement Rapid Risk Assessment Tool. This concludes that an offence is 'Highly Unlikely' to result from the proposed works, with respect to GCN using terrestrial habitat which might originate from off-site ponds P4, P5 and P6. This allows for the fact that GCN are recorded as present in P5 in 2017.*

*The AGRA consultation response makes reference to two further ponds within the vicinity:*

- a. a pond in the field immediately west of the current application, which it is stated by AGRA has been to re-locate GCN during the nearby construction of the Grange Road application (reference 17/P/02158).*
- b. a garden pond at Oak Barn (another property with the Ash Manor complex).*

*With regards to a) above, the pond has been labelled P7 and is confirmed to exist. This pond does not appear on any current OS base-maps or the most recently updated aerial photography*

*(Google Earth April 2020) having only been created in late 2020, and so did not form part of the original GCN assessment in 2017, or the subsequent updates which have been submitted with the current application. However, The Grange Road developer (Thakeham Homes) have confirmed that 'no formal translocation was undertaken at our site and therefore this area was not utilised as a formal receptor area for GCN. The works simply comprised improvement of the existing habitat, and were implemented at the tail end of 2020.' No GCN appear to have been moved to the pond, and in addition, being very recently dug, it is considered that the pond is currently unlikely to support a breeding population of GCN, lacking egg laying substrate in the form of suitable marginal vegetation. Nevertheless, given that pond P7 could now (or in the future) support Great Crested Newt, such that there is an increased risk of encountering this species within the site, it is recognised that the work may now need to be carried out under a European Protected Species development licence (EPSL), and with this in mind a Precautionary GCN Method Statement has been produced. This method statement provides the necessary information to satisfy the Council in regard to the current application that Great Crested Newt, if present, could be fully safeguarded under the proposals, and the three 'licensing tests' could be met. As such, it details appropriate construction safeguards and proposals for a receptor area located within retained habitat in the north of the site. The arrangements set out are considered necessary to ensure that the 'favourable conservation status' of the GCN population are safeguarded in line with the requirements for the Habitats and Conservation Regulations 2017 (as amended)' which is the key consideration at the planning stage. With regards to b) above, the occupants of Oak Barn were contacted in May 2021, and have confirmed that this pond no longer exists. It is therefore not considered to be a constraint to the proposals.*

In summary on the GCN matter the applicant notes that:

- all ponds located within the site, or within 250m of the site (with the exception of P7), have now been confirmed as either negative for GCN based on up-to-date survey information, or have been ruled out on the basis of a risk assessment according to current guidelines.
- if required, an EPSL will be obtained for the works, with respect to the potential for GCN being present in pond P7, which has only recently come to light.
- AGRA's assertion that 'Great Crested Newts are known to exist less than 60 meters from the site' is not correct.

As regards bats the Technical Note states the following:

*Bat activity surveys were carried out in 2017 for the land contained within the current application, together with the land to the north, which was subject to a related planning application. These results are reported in full in the previous Bat Survey Report Technical Briefing Note (October 2017), provided as an Appendix to the Ecological Statement (Updated) provided in March 2021. In their consultation response, AGRA highlight that Barbastelle bat *Barbastella barbastellus* was recorded during the automated detector surveys which formed part of the survey, and further correctly identify that the species is rare within the UK. In fact, a very small number of Barbastelle registrations (four in total) were recorded from one of the static detectors in the northern part of the survey area, which is outside the current application area, and concludes that these registrations are likely to be attributed to one individual. Although no static detectors were placed within the current application site itself, it was fully covered by walked transect surveys which recorded no observations of Barbastelle, whilst the habitats within which the static detectors were placed are considered to be representative of the habitats within the site itself. Although the bat species is rare, the presence of occasional Barbastelle bats in flight in Southern England is not unusual and is likely to correspond to long distance commuting behaviour. Radiotracking studies in southern England have shown Barbastelle females are known to have a mean core range of 8km and can fly to reach other woodlands or core foraging areas up to 20km away (Greenaway, 20012; Zeale 20113). It is also likely that the species is significantly under-recorded which is noted in Natural England's Joint Publication JP025:*

*A Review of the Population and Conservation Status of British Mammals, which comments that 'with the widespread use of static acoustic detectors, it has become apparent that the species is widely distributed – although never common – across the rural landscape of southern Britain and parts of Wales'. The presence of Barbastelle in low numbers should therefore be seen in the appropriate context, and in terms of any impacts which might be caused to the species, these are likely to be confined to small interruptions in vegetated corridors which form flight pathways for all species of bats. With the suitable management of lighting (which can be secured through a suitably worded condition), it is considered likely that lighting disturbance effects to bats can be reduced to acceptable levels. As set out in the EU Commission's 2007 EPS Guidance, these losses of vegetation would not constitute the 'damage or destruction of a breeding or resting place' under the Habitats and Conservation Regulations 2017 (as amended), which these habitats being defined as sites or places 'crucial for the lifecycle of animals' and/or 'very important parts of a species entire habitat'. Whilst we are fully aware of the European and UK legislation which applies to bats, the only confirmed roost within the site is located at tree T26, which is identified as being retained, but needing possible arboricultural management works in the future. This is a Common Pipistrelle Pipstrellus pipstrellus roost, and if necessary, can be subject to further survey at the time of management works taking place, with the necessary tree works covered by a European Protected Species Licence (EPSL) as necessary, with the worst case scenario being that a low conservation status roost is lost. The use of bat boxes to replace roosts of common species is consistent with current guidance, with Natural England's Bat Mitigation Guidelines (2004) clearly identifying that where roosts of low conservation significance (small roosts of common species) are to be lost to development there is flexibility over provision of mitigation and this does not need to be exactly like-for-like. Irrespective of any future loss of bat roost in the future (due to management works), a number of bat boxes are included within the enhancement proposals for the site, as set out in the CEMP for the site.*

*The large oak tree in the centre of the site (T67, and also referred to by AGRA as the Ash Green Oak) has been assessed in the previous reports, as having a 'low' level of bat roost potential, with an absence of moderate and high suitability PRFs. In such situations, the Bat Conservation Trust Guidelines do not recommend any additional surveys to be carried out. Nevertheless, precautionary methods have been set out in the CEMP produced for the site, in order to safeguard any bats which might be found roosting within the tree.*

In summary on the GCN matter the applicant notes that:

- the presence of small numbers of foraging/commuting Barbastelle bats recorded during the survey work is not significant in its own right, and can be dealt with through a suitably designed lighting strategy (subject to condition).
- no bat roosts are affected by the proposed works, although the low level of potential for roosting bats in tree T67 is appropriately covered under the existing CEMP.

Both the AGRA objection and the applicant's response has been forwarded to the Council's consultant ecologist SWT. They note that the applicant's ecologist has submitted a 'Additional Information to Address Ash Green Residents Association (AGRA) comments in Respect of Planning Application' document and a Precautionary Great Crested Newt Method Statement (dated June 2021).

SWT note that in relation to bats, the 'rebuttal', T26 was identified as a confirmed roost. SWT note that if any arboricultural works are required for this tree as part of the current proposals, the CEMP should include information that clarifies that further survey work would be required before such works and if the roost is to be disturbed/destroyed, a protected species mitigation Licence from Natural England would be required to allow the works to take place and further information would need to be submitted with the licence to set out suitable mitigation/compensation/enhancements to ensure to detrimental impact to this species' population.

SWT state that T67 is set out in the applicant's document as having low roost suitability. SWT advise a soft fell approach to this tree, under the watching brief of a licensed bat ecologist undertaken at a suitable time of year, which involves removing the top branches first and working down the tree. Cutting through cavities should be avoided. Any sections of the tree identified as having Bat roost potential will be lowered carefully to the ground. This will assist in avoiding contravention of European Protected Species legislation. In the event that any Bats or evidence of a roost are found during tree felling, works will cease immediately and the advice of a suitably qualified professional sought.

In relation to GCN SWT note that recent surveys of pond 1-3 have been undertaken in April 2021 and eDNA surveys provided a negative result. A Natural England Rapid Risk Assessment was undertaken on pond 4-6 and an offence was assessed as being 'highly unlikely'. Pond 7 was recorded as being a new pond, with no translocation having been undertaken. The applicant's ecologist cannot rule out the presence of GCN and so has produced a reasonable avoidance measure method statement. SWT advise that works are undertaken in accordance with this document and as per our earlier comments, should any GCN be identified during the course of works, will cease and the advice of suitably qualified ecologist sought.

On this basis, SWT raise no objections to the proposal and subject to the imposition of the conditions recommended by SWT and securing the mitigation measures proposed by the applicant, the proposal is deemed to be acceptable in this regard.

#### Net gain

As regards biodiversity SWT have noted as part of the duplicate application that 'the Council should require the applicant to provide an appropriately detailed document to demonstrate that a measurable net gain, secure for the life time of the development, will be achieved. This document should be submitted to the Council for approval in writing prior to determination of this application'. Following the receipt of further information from the applicant, SWT noted that 'the updated ecological report dated March 2021 makes reference to biodiversity net gain / net loss within paragraphs 3.3.13 to 3.3.17 inclusive. While I accept the applicant's comments that a mandatory requirement to demonstrate net gain is not yet enshrined in statute, the NPPF does require development to result in no net loss. However, these paragraphs do not present a quantified evaluation of losses and compensation provided and therefore do not provide clarity to the Council that the development will not result in a net loss of biodiversity as a result of development. The applicant has not demonstrated that the development as proposed is in line with the obligations of the NPPF'.

On this point it is noted that policy ID4(2) of the Local Plan states that 'new development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA's objectives...'. At paragraph 174 the NPPF states 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'. Although SWT also point to paragraph 179 of the NPPF which 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', this paragraph specifically relates to plans and not decision taking on planning applications. It is acknowledged that the forthcoming Environment Bill is likely to bring in a mandatory requirement for biodiversity net gains to be calculated using a Net Gain Assessment (using a formal biodiversity metric), however, these measures have not been introduced, and will only take effect after an introductory phase, to allow time for local policy to incorporate these requirements.

As such, neither the Local Plan nor the NPPF set out a requirement for *measurable* net gains for biodiversity to be demonstrated. Although this is the case, the applicant has set out a range of ecological enhancements which would flow from the proposed scheme. These include the planting of new native trees, shrubs and hedgerow; the creation of a wildflower grassland which will include bulb planting; new marginal planting around the pond that will enhance the exiting aquatic vegetation; the provision of bat and bird nesting boxes throughout the development; and, to provide replacement opportunities for reptiles and amphibians at the site, a number of log or rubble piles are proposed. The management and maintenance of T67 will also ensure that its biodiversity value is protected going forward.

The Local Planning Authority is satisfied that these measures will deliver gains in biodiversity in accordance with policy ID4(2) of the Local Plan. While the gains have not been quantified, there is currently no policy requirement to do so.

### **Impact on air quality**

The Council's Environmental Health Officer noted that due to the scale of the proposal it is possible that an air quality assessment would be required.

The applicant has sought to address this point through the submission of an Air Quality Technical Note. The Technical Note considers whether emissions from the development would result in a significant deterioration in air quality during construction and once the development is operational.

*In summary, the note states that 'for the construction phase of the proposed development, the key pollutant is dust. The IAQM Guidance states that with the effective implementation of appropriate controls and mitigation, the residual effects can normally be "not significant". Once operational, based on the predicted net change in traffic flows, the development is expected to have a 'negligible' impact on existing pollutant concentrations and the air quality effect is not considered to be significant. Concentrations at the Ash Manor site are expected to be well below the relevant health-based limit value/objective and therefore the site is considered suitable for its proposed residential use'.*

The Environmental Health Officer has confirmed that the Technical Note satisfactorily addresses the issue and that no objections are raised. It is noted that all of the proposed dwellings would have access to a private electric vehicle charging point and that at the very least the apartments would have access to communal charging points. The promotion of electric vehicles will have a further impact on addressing air quality levels as a result of the development. This would be secured by condition.

On this basis the proposal is deemed to be acceptable in this regard.

### **Thames Basin Heaths SPA**

The application site is located within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). 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 site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 69 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Greenspace (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

The applicant is the developer of a recently delivered SANG in the immediate area (Ash Green Meadows) and space has already been reserved at that SANG as mitigation for this proposal. Given this, it is considered reasonable to impose a Grampian style planning condition to prevent development commencing until such time that the Council has agreed in writing that the required mitigation has been delivered (i.e. that the amount of SANG required to mitigate this proposal has been transferred to the Land Trust who manage and run Ash Green Meadows). This arrangement has already been agreed with Natural England in the past and is considered appropriate for this application also.

If the above mitigation was secured by way of a s.106 agreement, as well as the use of a suitably worded Grampian condition, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has been completed by the Local Planning Authority and it has been agreed with Natural England.

### **Planning contributions and legal tests**

The three tests as set out in Regulation 122(2) 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.

If all other aspects of the application were deemed to be acceptable, then the following contributions could be secured by way of a s.106 agreement.

### Thames Basin Heaths SPA

The development is required to mitigate its impact on the TBHSPA and this would be secured through a legal agreement (SAMM payment only). This would accord with the TBHSPA Avoidance Strategy SPD 2017. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Affordable housing

The requirement for affordable housing has been set out above. The legal agreement would secure the provision of the number of affordable units, as well as their tenure and mix, so that the proposal is compliant with local and national policies. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Education

The development is likely to place additional pressure on school places in the area at early years, primary and secondary level. The development should mitigate these impacts. Surrey County Council as the Education Authority has provided a list of projects which contributions would be allocated to and these are considered to be reasonable and directly related to the development. For the early years and primary school contributions the County Council plan improvements and extensions to Ash Grange Primary School and the secondary school contribution would be used to partly fund the extension of Ash Manor School. The total education contribution agreed with the applicant is £489,932. As such, these contributions are required to mitigate the impact of the proposal on the local education system.

### Play space

It is noted that the development does not include its own children's playspace. It is unlikely that sufficient space could be found for one on the site, as it is hoped that the open space areas provided for residents are kept free from permanent development and as natural as possible to protect the setting of Ash Manor. As the proposal will increase the pressure on existing children's playspaces in the area it is considered reasonable to require a contribution to mitigate this impact. Based on the playspace tariffs set out in the Council's Planning Contributions SPD, a contribution of £84,969.17 has been agreed.

### Health care

The proposal will have an effect on the demand for primary health care services in the area. The NHS (through North East Hampshire and Farnham CCG), note that taking into account the increase in population and the additional demand generated by the development, they will need to expand nearby GP facilities. A contribution of £47,403 has been requested which is deemed to be a proportionate and reasonable request. The CCG have also indicated that the specific site / project to which this contribution would be allocated, is The Border Practice Medical Centre. Whilst it is noted that the site is not currently within the catchment area boundary of The Border Practice Medical Centre (but only a little way outside), the CCG have confirmed that this will be changed by the Practice and the CCG (via application and approval) following any grant of permission for the development, and that the occupiers of the development site will then be eligible / able to sign up to Border Practice as their local GP.

Notwithstanding the above, it is acknowledged that the healthcare contribution secured by this development may also be used for other GP practices in the local area if an appropriate case can be demonstrated. This could include the provision of a GP practice on the Ash Lodge Drive development.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Policing

The proposal as a whole has the potential to increase pressures on existing policing resources in the area. Surrey Police note that the application site is currently a greenfield site which when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development.

The Police note that their request for a contribution of £14,201.28 is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. They note that it is necessary to secure section 106 contributions for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Surrey Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing. They note that securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising front line services. The consequence of no funding is that existing infrastructure will eventually become stretched, and the communities may not receive adequate policing.

The contribution will be used towards the capital costs associated with employing additional staff, as well as those towards fleet provision and accommodation at Guildford police station.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Highways

To help improve safety further and to help mitigate the impacts of the development, a s.106 contribution of £8,000 has been secured towards the cost of amending the TRO on Foreman Road to reduce the speed limit from 40mph to 30mph. A further contribution of £86,500 is requested towards highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site. These could include works to Harpers Bridge, the A31/White Lane and the public right of way network.

Guildford Borough Council have requested a contribution to improvements at Ash level crossing. The development would result in additional traffic crossing the railway, as well as pressures on the surrounding roads in relation to rat running, and contributions are required to improve highway safety and capacity around the crossing. On this basis, the contributions are directly related to the development and could be used for the new road bridge to enable the closure of the level crossing at Ash station. This contribution has been set at £690,000.

The s.106 will also include a requirement that the adjoining developments are given free and unfettered access to the proposed spine road so that the accessibility requirements set out in the Strategic Development Framework SPD can be achieved.

These measures all help to mitigate the impact of the proposal on the surrounding highway network and are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

It is noted that previous reports noted that a contribution of £50,000 towards cycle and pedestrian improvements over the disused railway line at White Lane which may have included the provision of a new pedestrian / cycle bridge. Although this contribution was informally agreed by the applicant, its legitimacy is now questioned. As the applicant has questioned the contribution and given there is no specific plans or projects setting out exactly what the contribution would be used for, it is Officer's opinion that it should no longer be requested.

### Public art

The Council's recently published Public Art Strategy notes a desire to improve public art across the borough. This is further supported in the Council's Planning Contributions SPED which notes that public art can be secured as part of the development process. It is noted that there are still a number of sites to come forward as part of the A31 allocation and it is the intention to combine a number of contributions together to provide a piece or pieces of public art in the wider vicinity. A contribution of £25,000 has been agreed with the applicant. This obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Final balancing exercise

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'. This is itself an important material consideration. The proposed development forms part of allocated site A31 and is important for helping to deliver the housing identified in the plan in this area. Overall, and taken as a whole, the proposal is considered to accord with the development plan. Therefore, the presumption is that the application should be approved without delay.

It is noted that the harm identified above must be considered and balanced against the benefits of the proposal. As already set out above, paragraph 202 of the NPPF requires a balance of the heritage harm against the public benefits of the scheme. That balance has been carried out above, and the conclusion that has been reached is that the public benefits of the scheme outweigh the heritage harm, even taking account of the great weight and considerable importance afforded to the heritage harm. However, the other harms resulting from the proposal must also be assessed, together with the heritage harm, and these should also be balanced against the benefits of the proposal. This final balancing exercise will be carried out below.

In assessing the weight to be afforded to harms / benefits, officers have applied a scale which attributes moderate, significant, or substantial weight to each identified harm / benefit. Having attributed such weight, an overall judgement is then required regarding the balance of harm vs benefit.

In terms of harms, as noted above, the less than substantial harm (in the low-to-middle range) which would be caused to designated heritage assets carries **substantial (great) weight** in the planning balance. The reasons for this are already set out above.

In terms of the benefits of the proposal, these have already been set out above. The provision of 69 market and affordable dwellings, in a mix which is deemed to be acceptable, is a sizeable contribution to the housing supply of the area. **Substantial weight** is afforded to this benefit. The proposal now retains T67 (a veteran tree) as part of the development. As noted above, the tree is currently in a poor condition due to livestock activity around its base and a lack of management or maintenance. The development would now result in the active and planned management of the tree in perpetuity. This should be afforded **significant weight** in the balance. The proposal will also result in the provision of a large area of open space on the site which will be accessible to both existing and future residents of the area. The open space will incorporate the existing enlarged pond and will feature walking paths. This area of open space will become an asset for the community and **significant weight** is afforded to this benefit. The proposal would help to improve highway safety in the area, which has been raised as a concern by local residents. **Moderate weight** is afforded to this matter. The proposal would also result in the improvement of pedestrian cycle connectivity in the area. A new footpath through the development would provide a safe and accessible route from Drovers Way to Foreman Road and from here users will be able to reach Ash railway station. **Moderate weight** is afforded to this benefit of the proposal. The development includes opportunities for the ecological enhancement of the site. There would be new native tree and hedgerow planting and the provision of bat boxes on the site. Compared to the existing situation where the site has been used as a horse paddock, the proposal would result in some improvements to the ecological value of the site. **Moderate weight** is afforded to this benefit. Finally, while it is acknowledged that the contributions secured through this proposal are required to make the proposal acceptable in planning terms, they do nonetheless result in wider public benefits. The contributions will help to improve local facilities and will also assist in the delivery of the new road bridge to remove the level crossing at Ash station. **Moderate weight** is afforded to this matter.

The benefits of the proposal are wide ranging and long lasting. The harm resulting from the proposal is to the heritage assets, a factor which must be given great weight. However, as noted above, this is clearly outweighed by the public benefits of the proposal. Overall, it is considered that the benefits associated with the proposal do outweigh the identified harm. The proposal accords with the development plan read as a whole and other material considerations do not indicate that permission should be refused. As such, the proposal is deemed to be acceptable and is therefore recommended for approval.

### **Conclusion**

This is an allocated site which now forms part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The cumulative harm from other applications has also been considered. The harm has been identified as being at the lower to middle end of less than substantial. An assessment has been carried out which concludes that, taking all relevant matters into account, the identified heritage harm (which is afforded great weight) is outweighed by the numerous public benefits which are generated by the proposal.

The proposal would not result in any material harm to the character of the area. A landscaped buffer would be maintained along the southern boundary and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. It is considered that the applicant has struck a reasonable balance between providing a gap to prevent coalescence whilst still ensuring that the site delivers the housing units which are required through the allocation.

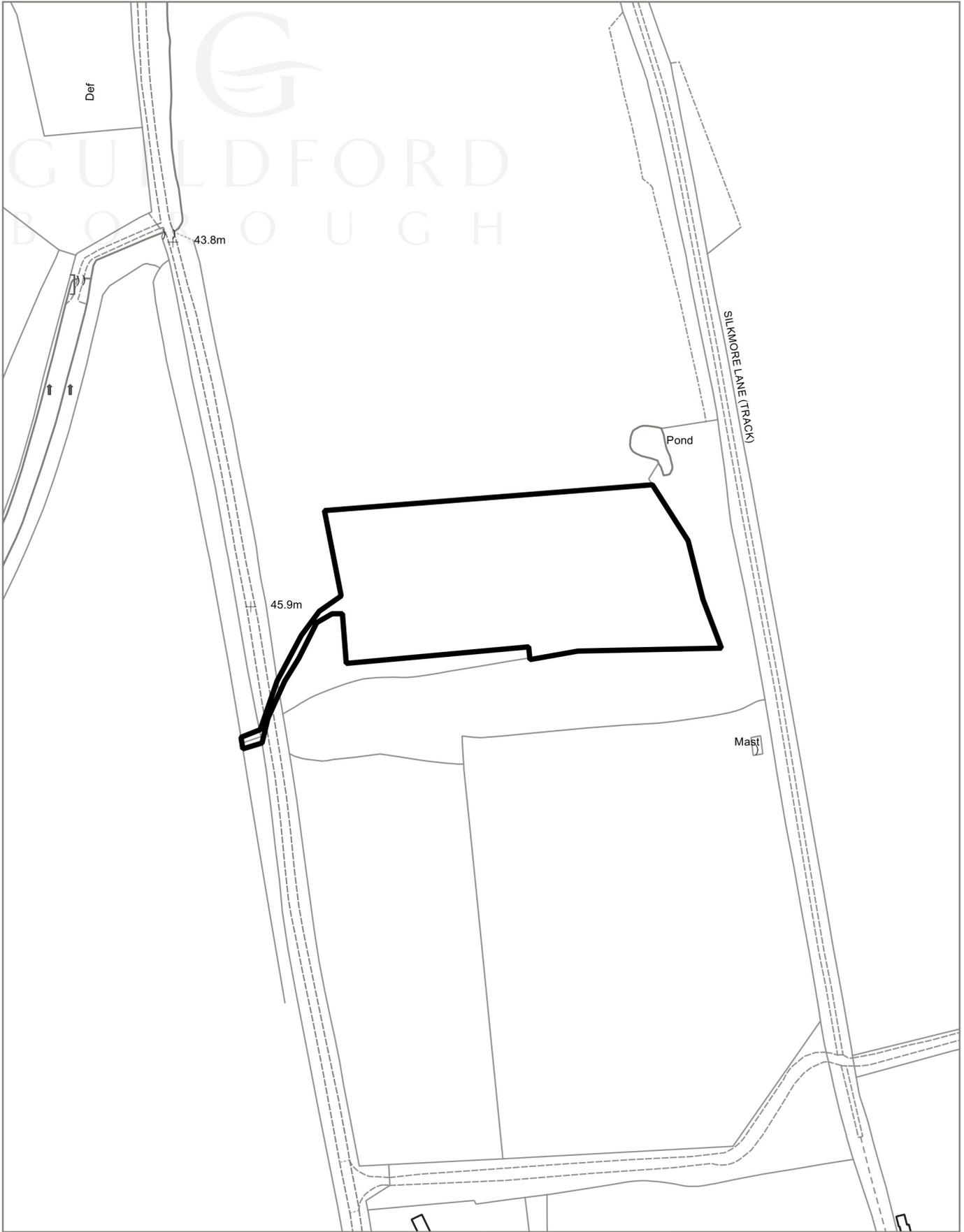
The application would provide a net gain of 69 residential units, which would be in accordance with housing delivery commitments in the LPSS. This includes the provision of 28 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager.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

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the NDSS. There would be no unacceptable harm to neighbouring residents. Subject to conditions, the scheme would also be acceptable in terms of highway safety, drainage, trees, ecology, archaeology and sustainable construction.

Overall, and taken as a whole, the proposal is considered to accord with the development plan. Therefore, the presumption is that the application should be approved without delay. As such, the proposal is deemed to be compliant with the Development Plan and subject to the conditions and s.106 agreement securing the contributions set out above, the application is deemed to be acceptable and is recommended for approval.

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# 20/P/01359 - Land North Of Hambledon Cottage And East Of, Ripley Lane, West Horsley, Leatherhead



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GUILDFORD  
BOROUGH

**20/P/01359 Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley**



**Not to scale**

**App No:** 20/P/01359 **8 Wk Deadline:** 08/10/2020  
**Appn Type:** Full Application  
**Case Officer:** Sakina Khanbhai  
**Parish:** West Horsley **Ward:** Clandon & Horsley  
**Agent :** Mr. Geoff Douglass **Applicant:** Mrs Karen McCarthy  
Pelham Planning Associates  
Ltd  
2 Stag Leys  
Ashtead  
KT21 2TD  
Its the Dogs Ltd  
15 High Street  
West Molesey  
KT8 2NA

**Location:** Land North of Hambledon Cottage and East of, Ripley Lane, West Horsley, Leatherhead, KT24 6JS  
**Proposal:** Proposed change of use of land from agriculture to a use for the walking, day care and training of dogs. (retrospective application) (description amended 27/01/2021).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Councillor Catherine-Anne Young who believes that the application represents inappropriate development in the Green Belt and no very special circumstances exist. Furthermore, there may be conflict with local character and West Horsley neighbourhood plan policy WH3 along with noise disturbance.

#### **Key information**

The application seeks retrospective permission for the material change of use of the land for dog walking/day care and training.

The site has been formed with two penned areas with dividing fence and is operated by collection of dogs off site and brought to the land.

The site is located within the Green Belt and within the West Horsley Neighbourhood Plan area.

The nearest residential properties are more than 200 metres from the site.

#### **Summary of considerations and constraints**

The material change of use of land within the Green Belt can be appropriate under para 150(e) of the NPPF subject to preserving the openness of the Green Belt. There is a limited amount of operational development associated (fencing) and the level of intensity would not be to a degree that erodes the openness of the Green Belt. Furthermore, there is little physical change to the land and therefore impact on character is not harmful.

Neighbouring dwellings are more than 200 metres away and the site is well screened by vegetation. Conditions are suggested limiting hours of operation and requiring a noise management plan. It is noted that the Council's environmental health officer has not objected.

No objections have been received by the County Highway Authority.

Weight has been given to the retrospective nature of the application.

**RECOMMENDATION:**

**Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 20066-01 received on 15/09/20 and P50 Rev C received on 22/12/20.

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

2. The use hereby permitted shall not operate other than between the hours of 08:00 to 19:00 Mondays to Sundays (inclusive) with the gates of the premises being closed and locked between the hours of 19:30 and 07:30.

Reason: To safeguard the residential amenities of neighbouring properties and to limit the intensity of the site in terms of Green Belt use.

3. There shall be no more than 24 dogs on the site at any one time during the operating hours.

Reason: To safeguard the residential amenities of neighbouring properties and to limit the intensity of the site in terms of Green Belt use.

4. The vehicular access to Ripley Lane, hereby approved shall be provided with visibility zones in accordance with the approved plan 20066-01, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

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

5. Within 3 months of the date of this decision, a noise management plan must be submitted to and approved in writing by the local planning authority. The documented noise management plan should be produced by an independent consultant and specify noise management practices and noise mitigation measures for the control of noise emanating from the site. It should include a timescale for any measures to be implemented and those measures should be implemented in accordance with that timescale. The approved noise management plan shall then be maintained in perpetuity.

Reason: To safeguard the residential amenities of neighbouring properties from noise disturbance.

6. Within 3 months of the date of this decision, the unauthorised storage container on the site shall be removed. The land shall be restored to its condition before the development took place.

Reason: The development would constitute inappropriate development in the Green Belt.

**Informatives:**

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

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

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

2. The applicant is reminded that any operation development at the site including development such as the laying of any additional hardstanding or erection of shelters and buildings would require further planning permission.
3. The applicant must also be aware of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Guidance notes for conditions for providing day care for dogs:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936829/animal-welfare-licensing-providing-day-care-for-dogs-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936829/animal-welfare-licensing-providing-day-care-for-dogs-guidance.pdf). The applicant will have to apply for an animal licence to operate a day care for dogs.

## **Officer's Report**

### **Site description.**

The application site is an agricultural field located on land to the south east of Jury Farm and north of Hambledon Cottage. The site is one part of a larger agricultural field owned by the applicant. The field is accessed via Ripley Lane and the boundaries of the site are a mix of post and wire fencing, hedging and trees. To the south, the site is bounded by a dense area of Ancient Woodland. The site is currently in use for the walking of dogs, day care and training of dogs.

The site is situated within a rural area in the Green Belt outside of an identified settlement area.

### **Proposal.**

Proposed change of use of land from agriculture to a use for the walking, day care and training of dogs. (retrospective application) (description amended 27/01/2021).

Following discussions with Officers, the Applicant has agreed to remove the storage container from the site and therefore planning permission is not sought for this element. Therefore, the existing storage container no longer forms part of the assessment of the revised scheme. The removal of the unauthorised storage container is a matter for the Council's Planning Enforcement Team.

### **Relevant planning history.**

None.

### **Consultations.**

#### **Statutory consultees**

County Highway Authority: No objection subject to conditions. There is sufficient space within the site for vehicles to turn so they enter and leave in forward gear. Access onto Ripley Lane has the required visibility in both directions. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Environment Health Officer: There is some concern regarding the length of time applied for dog day care throughout the year which could result in noise complaints. A noise management plan condition is recommended. Whilst preparing the noise management plan, the applicant must consider both management practices as well as noise mitigation measures, that must be put in place to control the noise.

#### **West Horsley Parish Council**

- Impact on the openness of the Green Belt
- The recreation use of the site is limited and is not open to the community.
- A laurel hedge has been planted which is out of keeping for the rural nature of the site. Any hedge should be of native species to ensure bio diversity (Officer note: this is not a material planning consideration to this application)
- A black screen material has been applied to the fence between the site and the rest of the field which remains in agricultural use, this is out of keeping with the rural nature of the site.

- The development has no economic or other gain to West Horsley as the business is based in West Molesey. The proposal results in a loss of agricultural land.
- Hours of use are excessive

**Third party comments:**

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

- The container will detract from the natural beauty of the area and is out of keeping
- Noise from dogs barking
- Change of use not in keeping with surrounding agricultural fields
- Laurel hedging planted are poisonous to farm animals (Officer note: Not a material planning consideration).
- Impact on the Green Belt
- Traffic will increase to the site

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

- The site is a considerable distance away from residential properties
- The storage container is not clearly visible from the road and has been carefully painted to be in with surroundings
- Noise from dogs barking is minimal. noise from dogs barking at the nearby kennels or farm is more intrusive.
- There is a lack of safe and secure areas to exercise dogs so this site is providing a much needed service in this area.

Following the receipt of amended plans to show the removal the detached storage container from the proposals and amended location plan to show the marked out parking bays and visibility lines no additional letters have been received.

**Planning policies.**

National Planning Policy Framework (NPPF):

Chapter 2. Achieving sustainable development

Chapter 6. Building a strong, competitive economy

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

New Local Plan 2019:

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).

P2	Green Belt
D1	Place shaping
ID3	Sustainable transport for new developments
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

Neighbourhood Plans:

West Horsley Neighbourhood Plan

WH3: Design Management within Rural Areas

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development - Green Belt
- the impact on the character of the area and
- the impact on neighbouring amenity
- the impact on traffic and parking
- retrospective application

The principle of development

The application is for a retrospective development for change of use of a agricultural land to be used for recreational dog walking and training area for dogs. The application also seeks permission for dog day care which is not currently in operation at the site. Following receipt of amended plans, the proposals include the provision of two pens divided by fencing with a small enclosed area in front of pen 1 which includes the parking area. The pens and reception area are bordered with 2m high post and wire fencing on the majority of the boundaries.

The dog walking facility is a business operation for the applicant, which is operated through a pay to access basis with bookings taken online via the website. The business allows no more than 24 dogs on the site at any one time. The applicant has advised that it would be unlikely this maximum number would be reached due to different booking options available to customers.

For example, for dog walking, one of the pens may be booked by a customer with two dogs for private hire, whilst the other pen is used by a dog walking company with 12 dogs within the same hour slot. The next hour could be booked by dog walkers with up to 12 dogs in each pen and the following hour may be a private hire with one dog in each pen. The booking system is designed to be flexible but is monitored by the applicant and the booking system prevents double bookings. The other uses on the site include dog training and a proposed dog day care service. The Applicant has advised that whilst day care is in operation there would be no other bookings in the field. The site is either booked out for dog day care, training or walking with some exceptions where multi-uses occur. For example, a dog training session in one pen and private individual hire in another pen.

The dog walkers use vans and collect and deliver the dogs at different times. Private hire is scheduled outside of these times when the site is used by a company for dog walking. As there are only two pens this means that only two bookings could take place at any one time resulting in two vehicles parked on site at the same time.

The business operates a 14 hour day from 6am to 8pm everyday. Therefore if the site is used to its maximum capacity for just the walking of dogs, this would result in 336 dogs and 28 vehicles on the site per day everyday. During the course of the application, the applicant has agreed to reducing the operating hours to 8am to 6pm with the gates closed at 7pm. In this case, if the site is used to its maximum capacity for just dog walking, it would result in 264 dogs and 22 vehicles on site per day.

The site is used for dog training at set times in the week for 1 hour classes which take place on Thursdays at 1pm for 4 dogs, Friday 10.30-2.30pm up to 5 dogs, Saturday from 10-2pm between 1 and 7 dogs, Sundays 9.30-12pm up to 5 dogs and some 1 to 1 classes where the other pen could be booked out for private hire.

It should be noted that as the site can also be booked out for private hire, training classes and day care it is unlikely that this maximum capacity of 264 dogs and 22 vehicles per day could be reached due to the other booking options and services available to customers using the site. It is also unlikely that professional dog walkers would have 12 dogs each in both pens per booking slot. It is considered that limiting the number of dogs using the site at any one time would limit the intensification of the site rather than limiting each specific sub use.

Paragraph 150 (e) of the NPPF allows material changes on use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided it preserves the openness of the Green Belt and do not conflict with the purposes of including within it.

The submitted statement states that planning permission is required for the change of use of the land and no operational development forms part of the application. Whilst some fencing has been erected it is considered that both this and the access track is likely to fall under permitted development and therefore this would act as a fall-back position.

The material change of use of the land needs to be considered under the provisions of para 150 (e) set out above, the key test is whether it preserves the openness of the Green Belt.

The site comprises of open fields, bounded by a post and wire fence which is partially masked by trees and vegetation. Access would be via a field gate accessed from Ripley Lane. The siting of the storage container which originally formed part of the application has been removed from the application and therefore is no longer considered. Therefore, there is little physical effect on the Green Belt. In terms of the use the report has set out the maximum level of intensity, which is predominately general comings and goings of dogs and individual staff. This is not a particularly intensive activity and has a limited impact on openness in terms of on site activity. There is associated activity in terms of car parking etc. This is limited to the operation of the business and whilst it has some effect the test of para 150 is whether it preserves the openness of the Green Belt. Agricultural land (which was the previous use of the land) would have a level of comings and goings with machinery used on the land, therefore some level of activity is not unexpected on rural land in the Green Belt. The associated car parking would not erode the openness of the Green Belt beyond the expected activities with the previous use of the land.

The proposal is considered to preserve the openness of the Green Belt and is considered to be appropriate development in the Green Belt in accordance with Policy P2 of the adopted Local Plan and the NPPF.

#### Impact on character of the surrounding area

The surrounding area comprises of open fields, farm building and cottages set within a rural landscape setting. The site lies within an area which provides locally important roadside views as identified within the West Horsley Neighbourhood Plan. There are sweeping views towards the North Downs AONB west of Long Reach and via Ripley Lane and Silkmore Lane.

The site is screened by vegetation, trees and Ancient woodland beyond with some open vantage points from Ripley Lane. Following the removal of the storage container from the application, the proposal does not result in a very different appearance to a normal agricultural field and would not result in any detrimental harm to the rural character or appearance of the existing site or surrounding area.

The numbers of dogs and customers using the site is likely to be lower than the figures outlined in the paragraphs above due to the various booking options and services provided at that the site which are limited to the use of two pens only. It should also be noted the number of dogs at the site at any one time could also be reasonably conditioned. Furthermore, it is considered that the comings and goings and the parking of cars are largely screened by landscaping and woodland.

From key public vantage points from Ripley Lane and Silkmore Lane, there is very little visual difference compared to the former agricultural use of the land. Overall, the proposal does not result in a negative visual impact on the rural nature of the area.

The proposal is therefore deemed to be compliant with policy G5 of the saved Local Plan 2003, policy D1 of the adopted Local Plan, the NPPF and policy WH3 of West Horsley Neighbourhood Plan Adopted (November 2018).

#### The impact on neighbouring amenity

The site is located a significant distance away from residential properties, the nearest dwelling is Hambledon Cottage which is located approximately 285m away from the site. There is also intervening landscape screening, a track road and woodland.

With regard to noise, the site is well screened by trees and vegetation which creates a buffer and the site is located in excess of 200m from the nearest neighbouring property. Whilst it is acknowledged that the dogs may bark occasionally, the dogs would be under the supervision of the dog walker at all times. The Council's Environment Health Officer has been consulted on the application and does not object to the application but raises a concern regarding the length of time for the proposed day care use throughout the year from 08:00 until 19:00hrs. The longer days over the summer months could result in noise complaints. It is recommended that the applicant provides a noise management plan to outline further details on management practices as well as noise mitigation measures to be put in place to control noise in respect of the dog day care use. This can be secured by a suitably worded condition.

It should be noted that audible noise on it's own is not an indication of planning harm. Any effect would be for small periods at a time and limited only to the operating hours of the business. The site will also require a dog care license (under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) prior to the operation of dog day care services on the site. It is also important to note that the proposal does not include the boarding of animals. Furthermore, no customers call to the site and dogs are only transported there by pre-arranged booking sessions. This results in only a small number of vehicle trips to the site per day, which does not lead to any unacceptable level of noise and disruption to local residents.

Subject to the suggested conditions, it is considered that the proposal would not result in material harm to the occupants of nearby dwellings, in accordance with saved policy G1(3) of the Local Plan 2003.

The impact on traffic and parking .

The site is located on north of Hambledon Cottage off Ripley Lane. The lane is an adopted unclassified highway. The site is accessed by an existing gate and there is a hard standing area which allows vehicles to turn and exit the site in forward gear.

It should be noted that during the course of the application, the applicant has agreed to reduce the operating hours from 08:00 to 19:00, with gates being closed by 7.30pm, which would result in no more than 22 vehicles per day. As such, it is considered that the trip generation of 22 vehicles per day would not be a significant increase in traffic travelling down Ripley Lane.

There is sufficient space within the site for vehicles to turn so they enter and leave in forward gear. Access onto Ripley Lane has the required visibility in both directions. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

The proposal is considered acceptable in accordance with policy ID3 of the adopted Local Plan and the NPPF.

Retrospective application

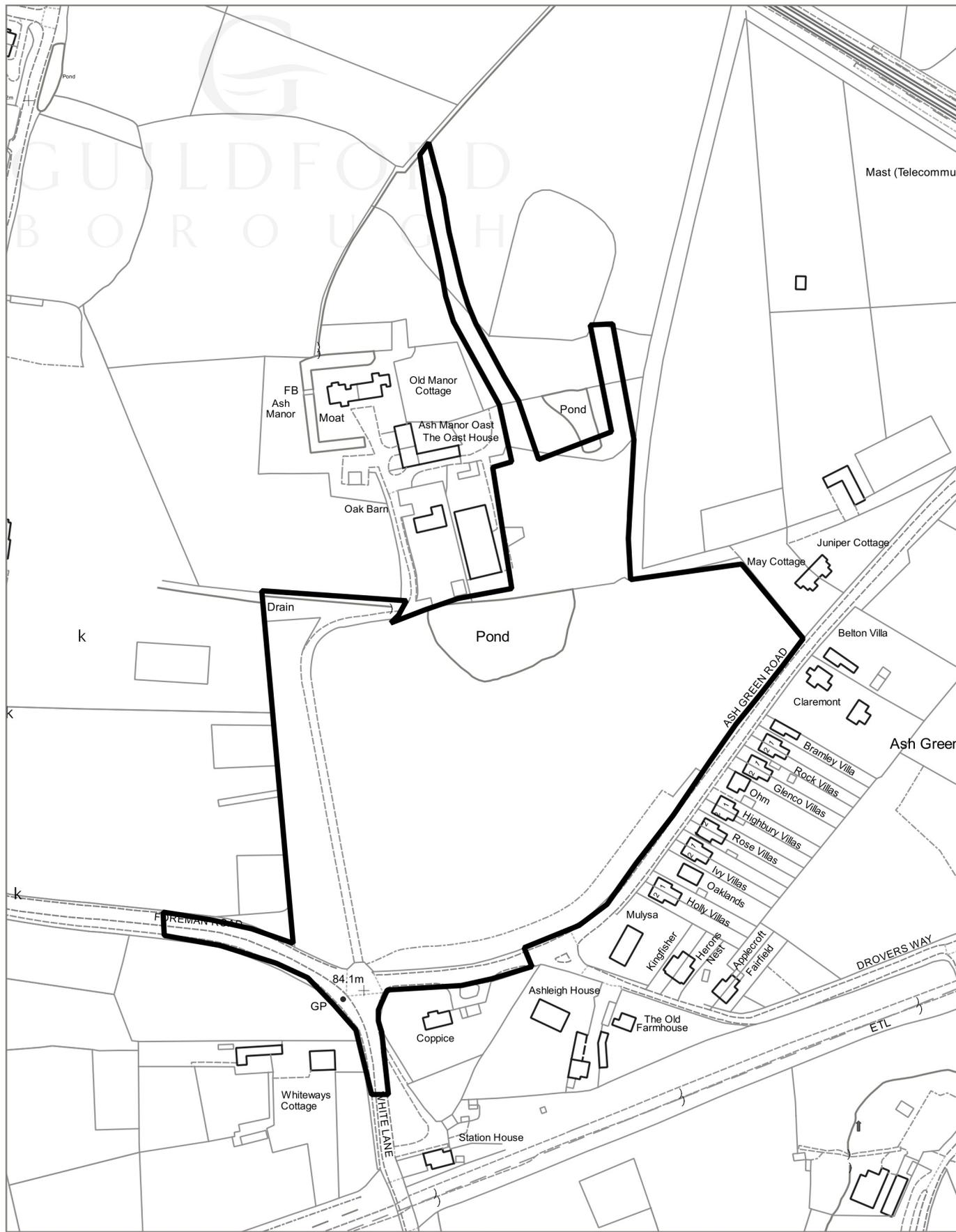
A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that the remains a potential material consideration.

The statement does not advise the level of weight it that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The NPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given weight to the fact that the application is retrospective. In this case, the applicant was informed the development is unauthorised and required planning permission by the Council's Planning Enforcement Team. Subsequently the applicant sought to regularise the unlawful development by applying for planning permission. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

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



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Print Date: 25/08/2021





**App No:** 20/P/01461 **8 Wk Deadline:** 17/12/2020  
**Appn Type:** Full Application  
**Case Officer:** John Busher  
**Parish:** Ash **Ward:** Ash South & Tongham  
**Agent :** Mr D. Neame **Applicant:** Mr A. Morris  
Neame Sutton Ltd  
West Suite, Coles Yard Barn  
North Lane  
Clanfield  
PO8 0RN  
Bewley Homes Ltd  
c/o Agent

**Location:** Land at Ash Manor, Ash Green Road, Ash, Guildford, GU12 6HH  
**Proposal:** Erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.

### **Executive Summary**

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

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

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

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

### **Reason for referral**

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

### **Key information**

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road, White Lane and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road.

The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area contains a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. Adjoining the site to the north is a small complex of buildings which is known as Ash Manor which contains a number of dwellings and farm structures. The largest building within the complex is Grade II\* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

The proposal is for the construction of a total of 69 dwellings on the site, of which 28 would be affordable. A large area of open space is being created for future residents of the scheme.

### **Summary of considerations and constraints**

This is an allocated site which is now designated as being part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The Local Planning Authority has also considered the cumulative harm resulting from this and other recently approved developments in the local area. Taking the cumulative harm into account, the overall level of harm has been identified as being at the lower to middle end of less than substantial.

The proposal would not result in any material harm to the character of the area. A landscaped buffer is to be retained and supplemented along Ash Green Road and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. The application would provide a net gain of 69 residential units, which would be in accordance with housing delivery commitments in the adopted Local Plan 2019. This includes the provision of 28 affordable housing units, which are of a size and mix which is acceptable to the Council's Housing Strategy and Enabling Manager. The proposal would also retain T67 which is a veteran tree and this would result in its longer term proper management and maintenance.

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the Nationally Described Space Standards (NDSS). There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, flooding, trees, ecology, archaeology and sustainable construction.

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

**RECOMMENDATION:**

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

- the delivery of 28 affordable housing units (a minimum of 70% to be affordable rent with mix as agreed);
- provision of SAMM contributions;
- provision of SANG land to mitigate the impact of the development on the TBHSPA;
- contribution towards Police infrastructure;
- contribution towards early years, primary and secondary education projects;
- contribution towards health care infrastructure;
- contribution towards children's playspace infrastructure in the area;
- contribution towards amendment of TRO on Foreman Road;
- contribution towards highway safety improvements and pedestrian and cyclist infrastructure improvements in the area;
- contribution towards Ash road bridge;
- provision that the applicant gives free and unfettered access to the spine road; and
- contribution towards provision of public art in the area.

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That the decision taken by the Planning Committee shall be used by the Local Planning Authority to formalise its appeal Statement of Case.

**Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

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

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

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

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

3. No development shall take place until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and samples.

Reason: To ensure that the appearance of the development is satisfactory.

5. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until written details and/or samples of:

- a) fenestration details; and
- b) fascias, soffits and gutters

to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external materials.

Reason: To ensure that the appearance of the development is satisfactory.

6. Before the first occupation of the 69th dwelling of the development a certificate demonstrating that Secured by Design (physical security) has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

7. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas) for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) details of hedge and tree provision along Ash Green Road (including details of new hedge and tree planting which will take place if the existing hedge has been removed, and additional planting which will take place in any event);
- b) new hedge and tree planting to the north of plot 22;
- c) a timetable for the implementation of the proposed landscaping scheme (which shall include the scenario where the existing hedge along Ash Green Road is removed after the discharge of this condition)..

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained in perpetuity.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and Ash Green Road and to ensure that a buffer between Ash and Ash Green is maintained.

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

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

9. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance the agreed timetable. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of the locality and to ensure a high quality design.

10. No development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or as amended, (and including details of a site meeting process with the retained consulting arboriculturalist and the LPA Tree Officer), are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission.

11. No development shall take place until a Written Scheme of Investigation, which shall include a programme of archaeological work, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

12. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed on the site in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy and improvements to the energy performance of each approved unit shall be achieved. Prior to the occupation of each unit, a summary showing the emissions rate, as set out in the final SAP assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Supplementary Planning Document 'Climate Change, Sustainable Design, Construction and Energy' 2020.

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

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

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.
  - b) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - c) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
  - d) details of drainage management responsibilities and maintenance regimes for the drainage system.
  - e) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

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

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

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the scheme agreed through condition 14 (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

17. Prior to first occupation the following package of measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- i) a 2 metre footway shall be provided on the southern side of Foreman Road from the site access towards The Croft
- ii) high friction surfacing shall be implemented on Foreman Road on the approach to the site access and on the southbound of the carriageway up to the start of the proposed anti-skid for the northbound direction near the existing bus stop
- iii) the speed limit shall be reduced from 40mph to 30mph with associated speed reduction measures, subject to TRO approval.

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

18. The development hereby approved shall not be first occupied unless and until the proposed junction improvement, including the re-alignment of Ash Green Road and pedestrian connections, has been implemented in accordance with the approved drawing number ITB12403-SK-006D OR a similar junction improvement has been implemented in accordance with a plan which has been submitted to and approved in writing by the Local Planning Authority.

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

19. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Foreman Road has been constructed and provided with visibility zones, and the build out on the spine road is implemented, all in accordance with approved drawing number ITB12403-SK-006D, and thereafter the visibility zones shown on the plan shall be kept permanently clear of any obstruction over 0.6 metres high.

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

20. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved drawing number SL.02 P2, for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.

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

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

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

22. No development shall commence until a Construction Transport Management Plan (CTMP), to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the approved CTMP.

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

23. The development hereby approved shall not be first occupied unless and until the following information has been provided in accordance with the approved Travel Plan Statement, ITB13403-004A R:

- the information which is to be provided to residents regarding the availability of and whereabouts of local public transport / walking / cycling

The development shall only be carried out in accordance with the approved details and the agreed information shall be provided to the occupants of each of the dwellings upon first occupation.

Reason: To encourage travel by means other than private motor vehicles.

24. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until detailed plans showing the continuation of the internal spine road up to the north-eastern boundary of the site (between the sub-station and plot 41) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the agreed details and shall be provided up to the boundary of the site (as defined by the red line on drawing BEWL180405 SL02 P2) prior to the occupation of the 30th dwelling on the site.

Reason: In order that the development delivers an acceptable road link to the area to the north-east which is also part of the site allocation A31.

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

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

26. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Ecological Assessment (dated December 2018, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement vf4/LB/DM), the Technical Briefing Note (dated September 2019, prepared by Aspect Ecology Ltd); the Ecological Statement (Updated) (dated March 2021, prepared by Aspect Ecology Ltd, reference 4765 Eco Statement dv3/FM/MRD) and the Technical Briefing Note (dated June 2021, prepared by Aspect Ecology Ltd)

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

27. No development or site clearance shall take place until further eDNA Great Crested Newt surveys and a Precautionary Working Method Statement carried out by a qualified ecologist have been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how development will proceed in a way that will avoid the killing, injuring or disturbance of any Great Crested Newts, reptiles or amphibians that may be identified during development. Any agreed impact avoidance, mitigation, compensation and / or enhancement measures (as may be relevant to the particular species), including proposed translocation measures shall be carried out in accordance with the approved details.

Reason: In order to protect the nature conservation and biodiversity value of the site. It is considered necessary for this to be a pre-commencement condition because these details need to be undertaken and agreed before construction activity takes place on the site, which may then impact on the ecology and in particular, Great Crested Newts.

28. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

29. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- precautionary working methods for reptiles, including GCN;
- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

30. No development shall commence (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be made available for use on the first occupation of each building.

Reason: To ensure that the new development is provided with high quality broadband services and digital connectivity.

31. Before the development hereby approved is commenced, a plan showing the location of the seven Building Regulations 'accessible and adaptable dwellings M4(2) and the three Building Regulations M4(3)(2) wheelchair accessible dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

32. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of the boundary treatment along the western side of the northern open space area have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development.

Reason: To help screen the open space area from the neighbouring residents.

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

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

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

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

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

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

**Informatives:**

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

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

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

3. Thames Water Informative:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

4. Lead Local Flood Authority Informatives:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

As part of the submission of information to discharge the surface water drainage planning conditions the Applicant should provide pond liner details and depths in accordance with the manufactures recommendations, this should include evidence that a hydrogeologist has reviewed the pond liner design to take account of ground conditions.

5. County Highway Authority Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway.

The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs)

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

Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme)

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

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

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. For guidance and further information on charging modes and connector types please refer to:

[www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html)

6. Ecology Informative:

Should Great Crested Newts be identified as present within ponds P1, P2 or P3, the applicant should contact Natural England to establish if a Protected Species licence is required in order to allow the development to proceed lawfully.

### **Site description**

The application site is a 3.87 (approx) hectare parcel of land that is located to the north of the junction of Foreman Road and Ash Green Road in Ash. The site is currently laid to grass and is currently partly used as a paddock for grazing horses. There is a pond on the northern boundary of the site and a line of trees and vegetation along the southern and eastern boundaries which front onto Ash Green Road. The site is within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area. The site contains a number of trees which are protected by way of Tree Preservation Orders (TPO).

The immediately surrounding area is currently predominantly semi-rural in character. However, there is a line of residential ribbon development on the opposite side of Ash Green Road to the south-east of the site. These properties are a mix of detached and semi-detached dwellings, in a mix of sizes and designs. Adjoining the site to the north is a small complex of buildings which is known as Manor Farm that contains a number of dwellings and farm structures. The largest building within the complex is Grade II\* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. These buildings include a moat to their western and northern sides, which Historic England comment is a non-designated heritage asset. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

### **Proposal**

As noted above, the proposal has been recently amended to retain the existing T67, with a buffer around its perimeter. As a consequence of this, the number of units has been reduced to 69. The layout has also been amended which would see the spine road now curve around T67, with the dwellings set around it and the proposed buffer. Also proposed is the associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and servicing.

The application site would be accessed via a 'T' junction from Foreman Road. This leads to a single spine road which would run through the site and around T67, with dwellings positioned on either side. Around the perimeter of T67 there is proposed to be a buffer which would incorporate the spread of the trees crown. The spine road would eventually link into other sites which are within the A31 allocation.

Off the spine road there would be two shared-surface cul-de-sacs which would serve a number of dwellings. The proposal includes a number of alterations to the highway network in the vicinity of the site. This includes the re-alignment of Ash Green Road and a range of traffic calming measures to include a speed limit reduction to 30mph, gateway features etc. The existing access into Ash Manor would be retained as part of this proposal.

The proposal includes a range of house types including two storey detached, semi-detached and terraced dwellings. Two blocks of apartments are also proposed which would provide a total of 14 units. The apartment blocks would be mainly two storeys in height, with Block A having a small element of second floor space within the gable roof. A total of 143 on-site parking spaces are proposed which equates to approximately two spaces per dwelling. The applicant has agreed to provide a total of 28 affordable dwellings which will be spread across the site.

The northern portion of the application site includes the existing pond which would be enlarged and integrated into the proposal, forming part of the open space network. A large area of open space is proposed to the south and east of the pond, which would also act as a buffer to the listed buildings. As noted above, the TPO tree in the middle of the site (T67) would be retained as part of this proposal and incorporated into the layout.

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

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

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

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

### Relevant planning history

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

17/P/00513	Full detailed planning application for Non the erection of 95 dwellings with Determination associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on-site open space, landscape and ecology management and, servicing.	09/10/2017	Withdrawn 05/02/2018
15/P/01031	Residential development comprising a total of 44 dwellings (6no. four-bed, 25no. three-bed and 13no. 2-bed) including 15no. affordable housing units, together with an associated recreational open space, approximately 4.2 hectares of Suitable Alternative Natural Green Space (SANGS) with visitor car park, Village Hall and the provision of a new roundabout access at the junction of Foreman Road and White Lane.	16/10/2015	N/A

### **Consultations**

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

#### Statutory consultees

County Highway Authority, Surrey County Council: No objections raised. This is subject to conditions requiring the implementation of a package of highway improvement measures (including a two metre wide footway and high friction surfacing along Foreman Road and a reduction in the speed limit from 40mph to 30mph) as well as a contribution of £94,500 towards other highway safety improvements and improvements to pedestrian and cyclist connections within the vicinity of the site.

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

Lead Local Flood Authority (LLFA), Surrey County Council: No objections raised, subject to standard conditions. [Officer Note: Since the quashing of the permission, the LLFA have re-assessed the proposal taking into account further concerns raised by residents (20/P/01461). They remain of the view that the proposal is acceptable, however, they have recommended that an additional informative be added to the permission, should it be approved. The comments provided by the LLFA and the concerns raised by residents are discussed in the report for 18/P/02456 which is reported elsewhere in this agenda. The comments and responses can be read in full on the Council's website. The LLFA have also confirmed that no objections are raised to the proposed changes to the scheme which retain T67].

County Archaeologist, Surrey County Council: The County Archaeologist has not commented on this application. However, comments made on 18/P/02456 note that there are no objections raised subject to condition. It is noted that the site has a good potential for archaeological remains associated with the adjacent manorial complex as well as evidence of medieval and post medieval pottery production. Further archaeological investigations may be required in order to clarify the nature, extent and significance of any archaeology that may be present. The County Archaeologist has noted that the 'parch marks' raised by local residents will be investigated as part of the next stage of the archaeological investigations. These further investigations will be secured by condition. [Officer Note: The County Archaeologist has confirmed that the changes resulting from retaining T67 have no impact on the comments noted above].

Historic England: Historic England (HE) considers that the scheme will cause some harm to designated heritage assets, and advises that paragraphs 190, 194 and 196 [now paragraphs 195, 200 and 202] of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits of the proposal outweigh what we assess to be less-than-substantial harm. We have reviewed three iterations of the proposed development. It is also noted that HE stated the following 'we can see from the correspondence relating to the discharge of conditions on application 18/P/02456, that it is proposed that the pond will be used as the SuDS for the scheme and would remain dry for most of the year. It is also proposed that it would have a fence around it, which we presume is for safety reasons. However, we note from the surface water and foul drainage strategy submitted with this current application that it is now proposed for the pond to retain some water within it. As explained previously, the pond is an historic feature that along with the existing landscaping performs the useful function of providing a remnant of the original historic landscape context to the Manor Farm complex as well as buffering the listed buildings from the new housing. It is therefore important that the pond, fencing and landscaping around it are designed to retain a natural and rural appearance. If your Authority cannot ensure that this can be achieved, you should consider if there are any alternative ways of providing the SuDS. Your Authority should also be advised by your flooding specialists regarding whether there is likely to be increased risk of flooding to the listed building complex as a result of the SuDS proposals'. [Officer Note: It is noted that the landscaping around the pond will be secured by condition and through this Officers will be able to control the planting, fencing and the appearance of the pond and its surroundings. The SuDS scheme has been considered by the LLFA and no objections have been raised, subject to conditions. As such, Officers consider that the issues raised by Historic England concerning the pond will be addressed].

For application 18/P/02456 HE explained that they 'consider that harm is caused to the grade II\* Manor and its associated buildings through development in their setting, but we acknowledge that efforts have been made to limit that harm as advised in our previous correspondence'. HE confirmed that in their view the proposal results in less than substantial harm to the Ash Manor complex. On the cumulative impacts on Ash Manor from this and other developments, HE have provided further comments where they note the following: 'in our previous advice on application 18/P/02456, we considered that the proposed scheme would cause harm (less than substantial) to the Ash Manor complex by eroding part of its rural setting. Since providing this advice, approval has now been granted for development at May and Juniper Cottages and for the new road bridge. We identified that both these developments will also cause less than substantial harm to Ash Manor, and the proposal for the road bridge would be at the upper end of this category. Therefore, we advise that the harm of the proposed development is likely to be higher if the cumulative effects of the other recently consented developments nearby are taken into account. We have not been able to visit to assess cumulative harm because of pandemic restrictions; however, based on the information before us, we consider that it is likely to be less than substantial

We strongly recommend the value of keeping a clear buffer of undeveloped land around the north, west and east of the Ash Manor complex of listed buildings, to preserve its immediate rural setting.' The heritage harm resulting from the proposal, including the cumulative impacts will be considered in detail in the report.

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

#### Internal consultees

Head of Environmental Health and Licensing: While no objections were raised originally to this proposal, the comments made by the Environmental Health Officer note that due to the scale of the proposal, the development may trigger the need for an air quality assessment. The applicant has submitted additional air quality information to the Council and it has been placed on the file. Having assessed the information, the Council's Environmental Health Officer is content with the proposal and has noted that the provision of electric vehicle charging points should be secured by condition

Operational Services, Recycling and Waste: No objections raised (including to the amended plans which include the retention of T67).

#### Non-statutory consultees

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

Surrey Police: Surrey Police have assessed this planning application and determined that a financial contribution for essential policing infrastructure would be required to make this development acceptable in planning terms. Surrey Police have requested a contribution of £16,079.86 as mitigation, which is being secured through the legal agreement.

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

North East Hants and Farnham Clinical Commissioning Group (CCG): The CCG did not respond to this consultation. However, as part of application 18/P/02456 they noted that there is no objection to the proposal subject to securing a s.106 contribution of £50,000 to mitigate the consequential impact on local healthcare provision and infrastructure.

Surrey Wildlife Trust (SWT): The Trust recommend a range of measures be controlled by condition. These include the submission of a Precautionary Working Method Statement for Great Crested Newts, a lighting strategy for the development and compliance with the mitigation set out in the applicant's ecological assessment. SWT also state that they welcome the amendment to site layout and retention of T67. It is advised that the Council should satisfy itself that appropriate open space / buffer zone of semi-natural habitat is present and protected from future development immediately adjacent to veteran tree T67.

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

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

Network Rail: No objections raised.

### Parish Councils

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

- overdevelopment of the plot;
- access and layout is not sympathetic to the area. Ash Manor/Old Manor Cottage is Grade II listed, Ash Manor Oast/Oast House, the Oak Barn and Ashe Grange are also listed buildings. With exception of Ashe Grange the proposal would have effect of totally detracting from historical integrity of the site;
- proposed development in conflict with the NPPF which requires conservation and enhancement of natural and historic environment;
- proposed flatted part of the development is totally out of character with the rural nature of the area;
- lack of infrastructure (schools, medical facilities);
- potential impact on local wildlife and loss of grazing;
- proposed density of site is too high;
- potential to provide near coalescence of Ash and Ash Green;
- un-neighbourly proximity to neighbouring properties with potential for proposed flats to overlook existing properties along Ash Green Road;
- although desktop archaeological survey undertaken it has been requested that if the LPA is minded to approve the application that a full survey be undertaken before commencement of any development. Potential presence of Roman road on site;
- possible flooding issues;
- cumulative effect of developments in area both proposed and approved on all existing infrastructure including sewerage system;
- the bus service is inadequate and not sustainable;
- there is history of accidents on dangerous bend and unsighted corner;
- width of all adjacent roads inadequate for increase in vehicle movements;
- concerns about the effect that the increased vehicle movements will have in the two weak bridges in immediate area;
- concern about parking provision; and
- concern that the proposed main access to the site may be inadequate for development of this size; and long term effect on the development should the adjacent proposal for 100 houses off Ash Green Road be approved as possibility that access to this other site be achieved via the Ash Manor development. Potential safety issues both for residents of both developments and the access onto Foreman Road.

Amenity groups/Residents associations

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

- concerns regarding the submission documents and whether they reflect the changes to local and national policy and whether they are accurate. It is also noted that the application documents are a simple re-presentation of the documents from the previous applications, 18/P/02456 and 17/P/00513 (withdrawn at appeal). As such they fail to reflect amendments made during the application process for either of the earlier applications or the subsequent amendments from the conditions discharge applications. This makes it difficult for any consultee or interested party to know exactly what the developers are proposing;
- the Council should request the developer conducts a full geological and hydrological appraisal of the site especially in the light of the recent spring developing unexpectedly in Ash Green Lane;
- the Council's tree officer should measure the ancient oak tree, in line with the recommended methods, to establish girth, and reviews historical maps to make a determination of the age, rather than just accept the determination of the developers [Officer Note: This issue will be discussed in detail below]
- this application fails to meet the requirements of either the NPPF or the Local Plan with regard to the drainage and flood risk. Concerns include risk of flooding to the listed buildings, depth of the pond, use of pond liner etc;
- concerns regarding ecology, including use of old data and reports, that T67 is a veteran specimen and should be retained; no bat survey of T67, inadequate information regarding Great Crested Newts and lack of survey date for some ponds;
- the proposal would result in the loss of a rural business [Officer Note: The principle of developing this site for housing has already been established through the Local Plan];
- the proposal fails to comply with the requirements of the site allocation (A31), including the changes which were agreed by the examining Inspector; and
- the proposal is contrary to the Local Plan.

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

- the public benefits of the scheme do not outweigh the harm to the setting of the neighbouring listed buildings;
- proposals for the land to the west of Ash Green Road must prevent the coalescence of Ash, Tongham and Ash Green;
- a number of other applications have been refused on this site and in the immediate area in the past. The concerns raised with those applications are still relevant;
- concerns about the impact on ecology and trees;
- concerns regarding flooding, bearing in mind that the water table in this area is high;
- a number of applications for housing have already been approved in the surrounding area and the existing infrastructure is now at capacity;
- the existing scheme increases the risk of flooding in and around the listed buildings. The concerns of AGRA have not been responded to. It is noted that the LLFA are still in discussions with GBC regarding the drainage scheme. [Officer Note: The drainage concerns raised by residents have been forwarded to the LLFA and they have confirmed that the scheme proposed by the applicant remains acceptable. No further information is required];
- the proposal fails to deliver a usable public amenity;
- local residents will be enforcing the covenants which apply to the land [Officer Note: Covenants are a civil matter, outside of the scope of the planning process]; and
- the plans include the removal of a tree in the middle of the site which is described as a symbol of the village. The condition of the tree has improved over recent years [Officer Note: This will be discussed in the report for 18/P/02456 which is reported elsewhere in this agenda].

Ash Green Residents Association have provided further comments in objection to the proposal on matters relating to heritage harm, ecology and drainage. It is further noted that AGRA submitted two additional documents directly to Planning Committee Members, including a presentation entitled 'The Residents' View' and a letter concerning the Oak tree (T67) (by Thomson Environmental Consultants (TEC)). It is understood that these documents were first circulated to Members on 17 May 2021, notwithstanding that the TEC letter is dated 05 February 2021.

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

#### AGRA document – drainage objections

The document itself summarises the AGRA objections regarding drainage. These are, in summary:

- the application relied on the informal opinion of the Environment Agency;
- the applicant claims regarding trial pits and water ingress are not borne out in the application documents;
- these same documents were provided to the court as the defence of the judicial review, however this was only to confirm the credentials of the authors;
- the flawed approach to drainage places the listed heritage assets at risk of flooding with no mitigation even suggested; and
- the conditions related to the pond do not address the ground water issues.

As the relevant professionals for the consideration of the drainage scheme, the AGRA document relating to drainage objections was forwarded to the Lead Local Flood Authority (LLFA). The LLFA remain of the view that the on-site drainage proposal is acceptable, subject to the two conditions and informative recommended.

#### AGRA document - ecology objections

The document outlines AGRA objections regarding ecology. These are in summary:

- there is only one commissioned professional tree survey – the AGRA one [Officer Note: Both the applicant and the Council's Tree Officer have also visited and surveyed the tree in question].
- the Ash Green Oak tree is definitely a Veteran tree, of great value, and protected by the NPPF and the local plan, and other legislation [Officer Note: This will be discussed in greater detail below].
- the Ash Green Oak is not dead as claimed [Officer Note: The tree is in terminal decline, but is showing some epicormic growth in the crown] .
- the Ash Green Oak has been identified as having the potential for rooting bats
- the Ash Green Oak is not a health and safety risk as claimed.
- the bat survey ignores the presence of endangered, extremely rare, Barbastelle bats.
- the bat survey does not cover the site area.
- the bat mitigation is contrary to government guidelines.
- the Great Crested Newt survey complete fails to assess the one pond known to have Great Crested Newts.
- the updated report is based largely on photographic evidence alone.

AGRA's document includes a letter concerning the Oak tree (T67) by Thomson Environmental Consultants. This is addressed in detail below.

AGRA document – heritage objections

The document itself summarises the AGRA objections regarding heritage. These are set out below with an Officer response as required:

- the Ash Manor complex is Grade II\* listed, protected by the NPPF and legislation, which was not given the weight it required by law in the previous application [Officer Note: As set out in the main body of the report, this matter has been addressed in the heritage assessment below];
- Ash Manor is the only site of this significance still in the original setting in the entire Guildford Borough
- the officer report addresses the setting of Ash Manor but fails to discuss the importance of the setting of the other two Grade II listed buildings, for which the impact will be greater [Officer Note: This is incorrect, the report assesses the impact on the complex as a whole, including the Grade II\* and Grade II listed buildings. The heritage section has been amended slightly so that there is no confusion];
- the officers have failed to disclose to the council that their own commissioned independent assessment for the site recommended refusal [Officer Note: For clarity, the assessment referred to is a draft Proof of Evidence prepared by a consultant engaged by the Council to support its refusal of an earlier planning application (reference 17/P/00513) on the site. Firstly, it is noted that this assessment was not published as the appeal was withdrawn by the applicant before proofs were exchanged by the sides, and therefore was never published on behalf of the Council. Secondly, the scheme is materially different to the one now before the Planning Committee. It was for 95 units, with apartments on what is now proposed to be an area of open space and included the removal of the track access to Ash Manor and a new roundabout at the junction of Foreman Road, White Lane and Ash Green Road. Thirdly, the planning context was very different, as the site was not allocated as the Local Plan had yet to be adopted. As such, the assessment referred to by AGRA is not considered to be relevant to this proposal];
- the officers have failed to disclose in the officer report that of the three previous applications, prior to the quashed application, they recommended refusal. This is a material consideration [Officer Note: AGRA's contention is incorrect. Of the three applications referred to by AGRA, two are individually noted in the 'Relevant Application History' section. The outcomes of both applications are also clearly set out; one was refused planning permission and the other was appealed by the applicant for non-determination (appeal was later withdrawn). The third application referred to by AGRA does not relate to the application site but a piece of land to the north of Ash Manor, which is why it has not been referred to in the report. Furthermore, as noted above the planning context for the earlier applications was very different.];
- Historic England, as the statutory consultee on heritage matters, have consistently highlighted the harm through all five previous applications [Officer Note: Comments from Historic England are included within the report. Both the Local Planning Authority and Historic England have concluded that the proposal would result in harm to the Ash Manor complex];
- Historic England have reviewed the conditions associated with this application and raised an objection, as is their role as statutory consultee. This remains unpublished on this application despite AGRA detailing this omission to the Council [Officer Note: To be clear Historic England provided comments on the duplicate planning application but did not object to either the application or any of the conditions. The Historic England comments referred to are summarised above]; and

- the conclusion of the Conservation Officer on the level of harm to the assets, presented in the officer report, is unreasonable and illogical [Officer Note: The assessment of the heritage harm is clear and robust. It is also in line with the conclusions reached by Historic England that the harm to the complex as a whole would be less than substantial].

#### AGRA document – ‘Residents’ view’

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

#### AGRA document – Thompson Ecological Consultants (TEC)

It is noted that this letter is also included in the ecology objection also submitted by AGRA. The letter and the Council’s response to it will be provided below.

#### **Third party comment**

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

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

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

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

For application 18/P/02456 a letter has also been received from the MP for Surrey Heath who notes that his constituents have raised profound concerns about the impact of this proposal on Ash Manor. He also states that constituents have raised concerns about the other housing developments already under way in the village and that this proposal would add to the over-development of the area. It has been asked that these concerns are brought to the attention of the Planning Committee.

For completeness it is noted that a total of 61 letters of objection have been received for application 18/P/02456. The comments made broadly reflect those already set out and summarised above. All of the comments received for both applications can be viewed in full on the Council's website.

## **Planning policies**

### National Planning Policy Framework (NPPF):

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

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

### South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

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

The policies considered relevant to this proposal are set out below.

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones  
Policy P5 Thames Basin Heaths Special Protection Area  
Policy D1 Place shaping  
Policy D2 Sustainable design, construction and energy  
Policy D3 Historic Environment  
Policy ID3 Sustainable transport for new developments  
Policy ID4 Green and blue infrastructure

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

Although the Council has now adopted the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), some policies of the saved Local Plan 2003 continue to be relevant to the assessment of planning applications and carry full weight. The extant policies which are relevant to this proposal are set out below.

Policy G1 General standards of development  
Policy G5 Design code  
Policy H4 Housing in urban areas  
Policy HE4 New development which affects the setting of a listed building  
Policy R2 Recreational open space provision in relation to large residential developments  
Policy NE4 Species protection

Supplementary planning documents:

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

**Planning considerations**

The main planning considerations in this case are:

- the principle of development
- housing need
- impact on the character of the area and design of the proposal
- impact on the setting of listed buildings
- impact on neighbouring amenity
- private amenity of proposed dwellings
- highway/parking considerations
- flooding and drainage considerations
- sustainable energy
- open space provision
- impact on ecology
- impact on trees and vegetation
- impact on air quality
- Thames Basin Heaths SPA
- planning contributions and legal tests
- balancing exercise and public benefit
- conclusion

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

### **Conclusion**

This is an allocated site which now forms part of the urban area of Ash and Tongham. Whilst there would be an inevitable change in the character and appearance of the land, the principle of development here has already been found to be acceptable.

While it is acknowledged that the proposal results in some harm to the setting of the listed buildings on the Ash Manor complex, the harm has been reduced through the retention of the rural track to the complex and the provision of a landscaped buffer around the site. The cumulative harm from other applications has also been considered. The harm has been identified as being at the lower to middle end of less than substantial. An assessment has been carried out which concludes that, taking all relevant matters into account, the identified heritage harm (which is afforded great weight) is outweighed by the numerous public benefits which are generated by the proposal.

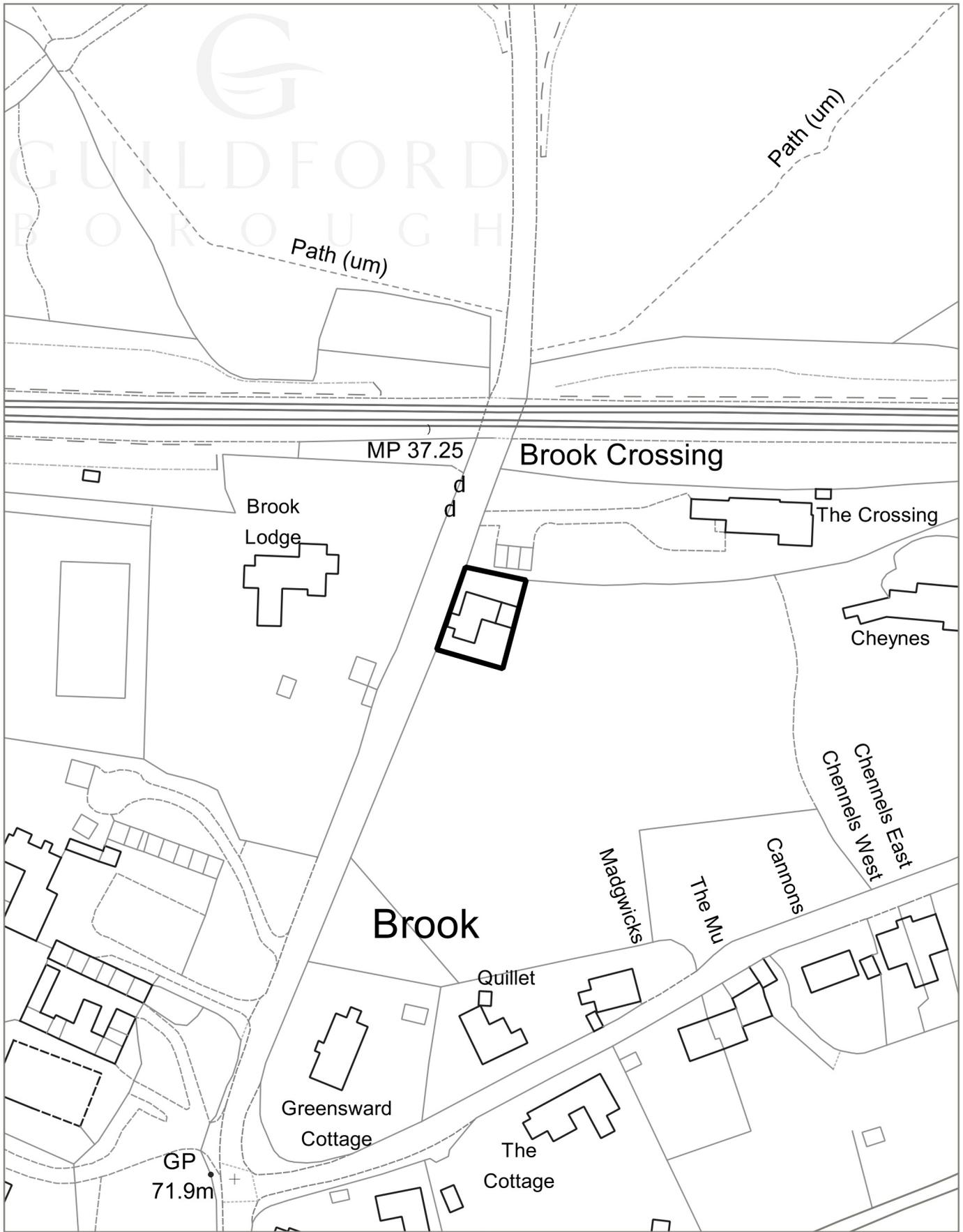
The proposal would not result in any material harm to the character of the area. A landscaped buffer would be maintained along the southern boundary and this would help to prevent the coalescence of Ash and Ash Green, as required by the Local Plan allocation. It is considered that the applicant has struck a reasonable balance between providing a gap to prevent coalescence whilst still ensuring that the site delivers the housing units which are required through the allocation.

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

The proposed dwellings are considered to provide a good level of internal and external amenity for future residents, fully compliant with the NDSS. There would be no unacceptable harm to neighbouring residents. Subject to conditions the scheme would also be acceptable in terms of highway safety, drainage, trees, ecology, archaeology and sustainable construction.

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

# 20/P/02042 - Cheynes, Brook Lane, Albury, Guildford



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Print Date: 25/08/2021

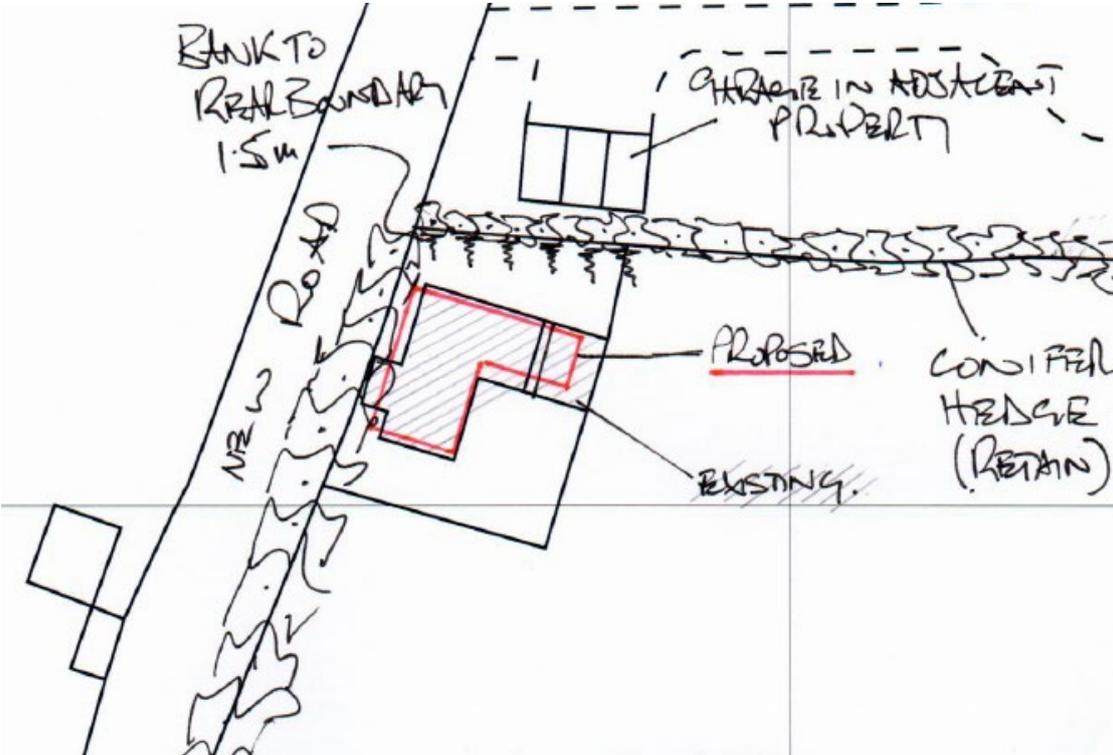


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GUILDFORD  
BOROUGH

20/P/02042 – Cheynes, Brook Lane, Albury, Guildford



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**App No:** 20/P/02042  
**Appn Type:** Full Application  
**Case Officer:** Maria Vasileiou

**8 Wk Deadline:** 28/01/2021

**Parish:** Albury  
**Agent :** Ms C Casey  
Rookery Barns  
Hartley Wood Farm  
Oakhanger  
Bordon  
GU35 9JW

**Ward:** Tillingbourne  
**Applicant:** Mrs Dyer  
Cheynes  
Brook Lane  
Albury  
GU5 9DH

**Location:** Cheynes, Brook Lane, Albury, Guildford, GU5 9DH  
**Proposal:** Variation of condition 2 of planning application 19/P/01353 approved 25/09/19 to allow the insertion of 2 roof lights and a clock on the roof top.

### **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**

Variation of condition 2 (drawing numbers) of planning application 19/P/01353, for the erection of a replacement stable, tack room and store/workshop following demolition of the existing, approved 25/09/19, to allow the insertion of 2 roof lights and a clock on the roof top.

#### **Summary of considerations and constraints**

The proposal would be of minor scale and proportions; the additional bulk increase would not be significant and overall it would not be a disproportionate addition to the original building. Therefore, the proposal is found to represent an appropriate development in the Green Belt.

The proposed development would not result in any harm to either the AONB or AGLV.

The proposal would have an acceptable scale and design and, as such, would respect the scale and character of the existing property and the character of the surrounding area.

The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

For these reasons the application is considered to be acceptable and is therefore recommended for approval.

**RECOMMENDATION:**

**Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: EXISTING STABLES (FLOOR/ROOF PLAN AND ELEVATIONS), BLOCK PLAN, LOCATION PLAN received on 01/08/2019 and RBXIX 1142 2/2 ISSUE 7, RBXIX 1142 1/2 ISSUE 7 received on 30/11/2020.

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

**Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

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

**Officer's Report**

**Site description.**

The application site is located within the Green Belt outside of any identified settlement area. This is also within an Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The area is characterised by detached and semi-detached properties varying in both scale and design.

The property to which the proposal relates is a large detached dwelling set within substantial grounds. There are a number of outbuildings and a swimming pool within this plot.

**Proposal.**

Variation of condition 2 of planning application 19/P/01353 approved 25/09/19 to allow the insertion of 2 roof lights and a clock on the roof top.

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/00165	Retention of permeable block paving, shingle surface and shed (retrospective application).	Pending	N/A
20/P/00044	Proposed two storey front extension with internal alterations.	Approve 05/03/2020	N/A
19/P/01353	Erection of replacement stable, tack room and store/ workshop following demolition of existing.	Approve 25/09/2019	N/A
19/P/00875	Replacement stable, tack room and store/ workshop following demolition of existing.	Refuse 01/07/2019	N/A
17/P/01500	Erection of garden pavilion to replace two existing sheds and relocation of existing Wendy House (Retrospective application).	Approve 04/09/2017	N/A
17/P/00268	Retrospective planning application to reinstate trellis to section of front boundary wall and hedging.	Approve 11/04/2017	N/A
16/P/02039	Replacement boundary fence (retrospective).	Refuse 29/11/2016	N/A
15/P/00626	Proposed front extension to include new chimney and extension to bathroom on the first floor.	Refuse 13/07/2015	N/A
14/P/01708	Retention of existing tennis court, new green hard surface and replacement of existing fence with new black wire fencing.	Refuse 03/11/2014	N/A
14/P/01317	Retention of existing tennis court, new green hard surface and replacement of existing fence with new black wire fencing.	Withdrawn 10/09/2014	N/A

Agenda item number: 5(4)

14/P/01131	New vertical slatted timber fences to replace existing horizontally slatted timber fence along boundary with Brook Lane and chain link fence along boundary with New Road (Retrospective application)	Approve 18/08/2014	N/A
12/N/00010	Non material amendment: increase the amount of glazing to lobby	Approve 14/02/2012	N/A
11/P/02001	Single storey front (north) extension to provide extended utility area and secondary access into Cheynes.	Approve 07/12/2011	N/A
11/P/00815	Proposed extension to the existing pool house.	Withdrawn 06/07/2011	N/A
11/P/00017	Single storey front extension.	Approve 02/03/2011	N/A
10/P/01085	Single storey front extension.	Approve 29/07/2010	N/A
10/P/00073	Erection of linking structure between the existing garage and gymnasium outbuildings. Change of use of garage building from use for the storage of private motor vehicles or domestic ancillary storage to additional ancillary space and the insertion of a glazed screen to replace existing garage door and a new window in the east and west elevations of the garage to facilitate its conversion.	Approve 11/03/2010	N/A
09/P/00480	New dormer window on north facing roof slope. Change existing hipped roof to gable roof on north elevation. Enlarge existing dormer on east facing roof slope. (additional plans received 14.04.09)	Approve 20/05/2009	N/A
08/P/01066	Insertion of two dormer windows to front elevation.	Approve 18/07/2008	N/A
07/P/02414	Detached summer house following demolition of two timber sheds and wendy house.	Refuse 08/01/2008	DISM 12/11/2008
06/P/01654	Detached summerhouse.	Refuse 01/11/2006	DISM 01/06/2007

05/P/01587	Extension to existing fence.	Refuse 27/09/2005	N/A
04/P/02674	Addition of two dormer windows to front elevation of existing loft. (Additional plans received 23/12/04)	Refuse 03/02/2005	N/A
04/P/02526	Construction of 600mm timber fencing on top of existing timber fence at rear of property.	Approve 07/02/2005	N/A
04/P/01354	Extension to existing garage.	Approve 03/08/2004	N/A
04/P/00209	Erection of oak timber framed two bay barn to be attached to existing building.	Refuse 02/03/2004	N/A
03/P/02114	Two storey side extension.	Approve 13/11/2003	N/A
02/P/00126	Two storey side extension (as amended by plans received 28/3/02).	Approve 02/04/2002	N/A
01/P/01347	Construction of grass tennis court and fencing.	Application Withdrawn 03/08/2001	N/A
99/P/01825	Construction of two foot high timber fencing on top of existing brick retaining wall at rear of property.	Approve 17/03/2000	N/A
99/P/01823	Demolition of existing barn and construction of new 'badger' barn on same footprint (amended plan received 01/02/2000 & 17/02/00).	Approve 07/03/2000	N/A
99/P/00350	Two storey side extension to provide kitchenette, family and utility room with bedroom and en-suite bathroom over following demolition of existing utility room. (As amended by plans received 22/03/99).	Approve 29/06/1999	N/A
98/P/01264	Demolition of existing utility room and lobby and erection of proposed new utility room, family room and lobby at ground floor only.	Approve 03/12/1998	N/A

98/P/01263	Proposed changing room and pool store for existing swimming pool. (As amended by plans received 18/11/98 and plans received 13/10/99 proposing redesign for pool house.)	Approve 03/12/1998	N/A
98/P/00684	Erection of a two bay car barn and log store (as amended 28/07/98.	Approve 13/08/1998	N/A
98/P/00233	New dormer window to rear and new bathroom in existing balcony area.	Approve 09/04/1998	N/A

### **Consultations.**

#### Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer: "I have not visited the site, but Albury Parish Council refers to there being 5 rooflights and not the 2 referred to in the application. Further, the Parish Council submitted a photograph that is not on the website that the Parish Council illustrates the light pollution caused.

Light pollution in rural areas is causing increasing concern nationally. Further the Surrey Hills AONB Management Plan Policy P2 states: "In remoter locations, with darker skies, development proposals causing light pollution will be resisted."

Reference is also made by the Parish Council to the red and blue lines on the location plan which shows the site separate from the paddock. If the stabling relates to the field and is intended to continue to do so and not be a separate entity the two should be within the red line. I have experienced several planning applications to convert stabling into dwellings within the Surrey Hills. In this case 5 rooflights are unnecessary and seem excessive for this shape of stabling but may be suitable for residential occupation. I also note that the planning history at this property is lengthy, include many proposed developments and this building is far removed from the host dwelling. Consequently, I would recommend caution. If light pollution results from the rooflights the application should be refused referring to the above Management Plan Policy P2."

Albury Parish Council: "Albury Parish Council had no objection to planning application 19/P/01353 for the replacement of the stable at Cheynes. The Parish Council also had no objection to the subsequent retrospective application 20/P/02042 for two roof lights and a roof clock tower that had been added during the construction. Neither application had a letter from the Parish Council to inform the planning department of those no objection decisions."

#### **Third party comments:**

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

- it represents inappropriate development within the Green Belt.
- the building appears to be much higher than the original that it replaced.
- the proposed development would be visible from the surrounding area
- inaccuracies to the plans - the stable has five rooflights instead of the two, as shown on the plans. [officer's note: the Case Officer has visited the site and confirmed that the rooflights are two, as per drawing plans.]

- the windows are a potential source of light pollution, in addition to the light pollution from multiple floodlights already attached to the property. [officer's note: the application is for two rooflights, not for sources of light on site. Any existing sources of light do not form part of this application.]
- the appearance of the current building suggests alternative use. [officer's note: the use of the building has already been assessed under planning application 19/P/01353, the proposal would not alter the approved use of the building.]

### **Planning policies.**

#### National Planning Policy Framework (NPPF) 2021:

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

#### Local Plan

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).

P1	Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
P2	Green Belt
D1	Place Shaping

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

G1(3)	Protection of amenities enjoyed by occupants of the building
G5	Design Code

#### Supplementary planning documents:

Residential Extensions and Alterations SPD 2018

### **Planning considerations.**

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally, it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

The primary considerations resulting from this change would be:

- impact on the green belt
- impact on the AONB and AGLV
- impact on scale and character
- impact on neighbouring amenity
- retrospective application

#### Impact on the green belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149. Extensions to buildings are referred to, provided they would not result in a disproportionate enlargement to the original building. The test of whether there would be a disproportionate enlargement is not an openness test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF.

In this instance the building, as existing, is a replacement of that which originally existed on site. The Council's view is that the NPPF definition of original building for the purposes of the extensions to buildings in the Green Belt should relate to whichever building originally existed, either at 1948, or the building first constructed after 1948. Any replacement building does not become the new original building.

The NPPF glossary defines original building as 'a' building as it existed in 1948, rather than 'the' building as existed and in the Council's view this supports the case that the drafter envisaged the possible replacement of the first building. If this was not the case the NPPF would not have needed to use the term original and would have simply referred to 'the building'. It is also noted that case law in respect of the meaning of 'original' under PPG2 supported the interpretation that this referred to the first building and not any replacement. The Council considers that this judgement continues to hold weight given the very similar wording used in PPG2 and the NPPF.

This view is supported in Policy P2 of the adopted Local Plan, which states:

'The "original building" shall mean either:

- i. the building as it existed on 1 July 1948; or
- ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date'

The inspector's report published after the examination of the local plan commented specifically on this point and clarified that the incorporation of this definition into the actual policy confirmed the Council's position.

Therefore, the starting point for this application must be that the original building is NOT the building which currently sits on the site, but rather that which the existing building replaced. Undertaking any other definition of 'original' would be contrary to Policy P2.

The proposed development would not further increase the scale or footprint of the building. Floor area is only one indicator of whether or not an enlargement is disproportionate, it is also necessary to consider the three-dimensional increase of the dwelling. The proposed development would be of minor scale and proportion and it would not be a disproportionate addition to the original building.

Therefore, the proposal is found to represent an appropriate development in the green belt and accord with policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

#### Impact on the AONB and AGLV

The proposed rooflights and clock would be installed on a stable, which is set within a much wider residential plot. The proposed development would be within an existing developed area and it would be screened by the existing mature vegetation. By virtue of the scale, location and design of the resulting structure would not appear unduly prominent to the detriment of the character of the existing dwelling and the surrounding area that would warrant refusal on these grounds.

Therefore, the proposal is found to represent an appropriate development in the AONB and AGLV; and would accord with policy P1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

#### Impact on scale and character

The proposed changes to the stable would comprise of two rooflights and a decorative clock on the roof top. Whilst the proposed changes would alter the appearance of the host building, the resulting structure would not appear unduly prominent to the detriment of the character of the existing dwelling and the surrounding area that would warrant refusal on these grounds.

As such, the overall development would comply with policies D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007) and the provisions of NPPF 2021.

Impact on neighbouring amenity

The proposed development would be located well away from any neighbouring properties and as such would have no unacceptable impact on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing impact. Therefore, the development would comply with saved policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007).

Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a very limited degree.

Summary

The proposed rooflights and clock on the roof top of the stable would be of minor scale and proportions; the additional bulk increase would not be significant and overall it would not be a disproportionate addition to the original building. Therefore, the proposal is found to represent an appropriate development in the Green Belt.

The proposed development would not result in any harm to either the AONB or AGLV.

The proposal would have an acceptable scale and design and, as such, would respect the scale and character of the existing property and the character of the surrounding area.

The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

For these reasons the application is considered to be acceptable and is therefore recommended for approval.

# 21/P/00153 - 20 Pit Farm Road, Guildford



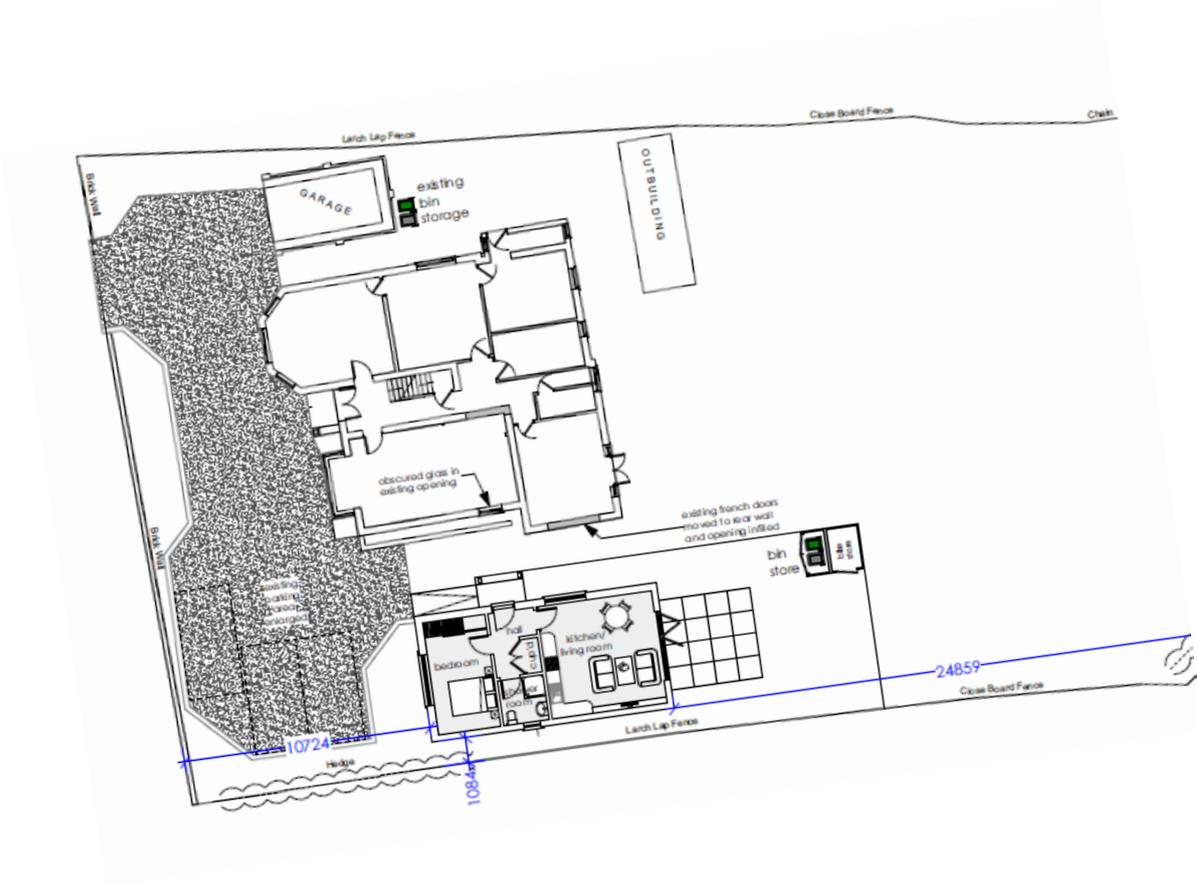
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21/P00153 – 20 Pit Farm Road, Guildford



Not to scale



**App No:** 21/P/00153  
**Appn Type:** Full Application  
**Case Officer:** Emma Wachiuri  
**Parish:** Christchurch  
**Agent :** Mr. Richard Sloman  
Nye Saunders Ltd  
(Architects)  
3 Church Street  
Godalming  
Surrey  
GU7 1EQ

**8 Wk Deadline:** 25/03/2021

**Ward:** Christchurch  
**Applicant:** Mr F. Fernandez  
20 Pit Farm Road  
Guildford  
GU1 2JL

**Location:** 20 Pit Farm Road, Guildford, GU1 2JL

**Proposal:** The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Cllr Joss Bigmore who contrary to officer's recommendation considers that the proposal would not conflict with local plan policies relating to character of the area. They are also of the view that the size of the new dwelling is similar to many garages and there is no evidence of harm to the character of the area where there is not a single objection from the residents of the area.

The Councillor also considers that the conflict with amenities as this could be overcome with a condition on glazed windows.

#### **Key information**

The construction of a one bedroom bungalow on the site, by subdividing the land. This would have a pitched roof, (maximum height of 5.746 metres), in a gable to gable end design. The external materials would comprise brickwork, timber boarding on render on the walls and plain clay tiles on the roof.

20 Pit Farm Road would be converted back to a single dwelling from two flats into a single dwelling. There would be changes to the windows and doors with at ground floor level the existing French doors would be moved to the rear wall, and the resulting hole will be filled. Then the existing ground floor side window would be replaced by obscured glazing.

### **Summary of considerations and constraints**

Policy H1 of the saved 2003 Local Plan states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the existing building which has two flats back to a single dwellinghouse would result in the net loss a dwelling from the one flat. To offset this, it is proposed to build a new detached bungalow.

Therefore, there would be no net loss of housing and would comply with policy H1.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties and is characteristic of the road. Although the structure would be single storey, the tall pitched roof would be prominent in the street scene, compared to a garage or outbuilding. Also the scale and form of the bungalow, would be at odds with the existing pattern of development and appear incongruous in the streetscene.

The proposal would result in the sub-division of the existing plot and the resulting garden for new bungalow would be significantly smaller than other properties in the vicinity, due to the small plot size. This would not respect the existing pattern of development which comprises large spacious plots.

The donor property of no. 20 Pit Farm Road has a total of four upper floor side facing windows, which face in the direction of the proposed bungalow. These windows and the rear facing windows, would overlook the 'private' amenity space proposed to the rear of the new bungalow, this would result in perceived and actual overlooking which would result in an unacceptable relationship and poor quality private amenity space for the new bungalow.

### **RECOMMENDATION:**

#### **Refuse - for the following reason(s) :-**

1. The proposal would be out of character in the surrounding area due to the small scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of Guildford borough Local Plan: Strategy and Sites 2015 – 2034; Policies G5 and H4 of Guildford Borough Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.
2. The proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would also be overlooked by side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of Guildford Borough Local Plan 2003.

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

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

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

**Officer's Report**

**Site description.**

This site is located in the urban area of Guildford. The area is characterised predominantly by large, detached properties within large garden/sizeable plots. The land slopes from south to north along Pit Farm Road.

The site itself comprises a large, detached building which has been subdivided into two flats. There are also a number of outbuildings within the site.

The site also lies within the 400m - 5km buffer zone of the Thames Basin Heath Special Protection Area.

**Proposal.**

The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

The external materials are brickwork, render, tile hanging and mock timber framing and plain clay tiles to match the existing building.

The existing property and the new bungalow would share the existing vehicle access and front gravel driveway. 4 no. parking spaces would be provided; 3 on the gravel driveway and one within the existing garage.

**Relevant planning history.**

Reference:	Description:	Decision Summary:	Appeal:
20/P/00604	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey rear extension following demolition of outbuildings. Demolition of existing garage and erection of new double garage with one bedroom flat over.	Withdrawn 30/06/2020	N/A
19/P/02050	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey extension following demolition of outbuildings.	Refuse 30/01/2020	N/A
19/P/01439	Certificate of Lawfulness to establish whether the proposed change of use from two residential flats to a single dwelling house would be lawful.	Refuse 16/10/2019	N/A
19/P/00702	Conversion of two dwellings to provide a single dwelling house.	Refuse 12/06/2019	N/A
13/P/00154	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floor.	Approve 27/03/2013	N/A
12/P/01900	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floors.	Withdrawn 13/12/2012	N/A

**Consultations.**

Statutory consultees

County Highway Authority:

Conditional- Recommends conditions on secure cycle parking and a fast charge socket provision.

Thames Water:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Based on the information provided, we would not have any objection to the application with regard to waste water network and sewage treatment works infrastructure capacity.

Internal consultees

Head of Environmental Health and Licensing:

No comment received

**Third party comments:**

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

- No detrimental impacts on neighbour amenities
- Design fits in well within the streetscene
- Retention of no.20 as a single-family house is important

**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 8: Promoting healthy and safe communities

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

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

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all.

Policy D1: Place shaping.

Policy D2 Climate Change, sustainable design, construction and energy

Policy ID3: Sustainable transport for new developments.

Policy P5: Thames Basin Heath Special Protection Area

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

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.**

Principle of development

The development site is located within an urban area of Guildford, part of it is previously developed land as it relates to garden space used in connection with the application site. The residential character of the area is largely defined by large properties with sizeable rear gardens behind.

Policy H4 of the Guildford Borough Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development:

1. Is in scale and character with the area;
2. Has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight;
3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwellinghouse would result in the net loss of one flat. However, a new separate unit is also being proposed.

To ensure that there is no loss of a residential unit if permission was granted, a condition or obligation would be necessary to ensure that the new unit was occupied before the works to the existing dwelling were undertaken. Therefore, in principle the proposal to combine the two flats into one larger house is only acceptable on the basis that the loss of the unit in the existing building is replaced.

Given the above, in order to determine the acceptability in principle of the proposed development the key considerations are:

- Impact on the character of the area
- Amenity and living standards of future occupiers
- Impact on neighbouring amenity

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. Conversely, significant weight should be given to:*

- a) *development which reflects 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; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".*

Policy D1 of the Local Plan: Strategy and Sites, 2015-2034 states that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Proposals will take account of local design guidance contained within conservation area appraisals, DPD's, neighbourhood plans and SPDs.

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 H4 of the Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development is in scale and character with the area.

The Residential Design SPG 2004 states that when developing a site it is important to reflect the existing scale, height and proportions of surrounding buildings.

The surrounding area comprises of large detached two-storey properties in large garden plots

The properties within the immediate vicinity are detached and benefit from sizeable gaps between the actual built forms and good sized gardens. The proposed new dwelling would subdivide the application site into two plots and the proposed new dwelling would be of a much smaller scale, single-storey in nature and smaller plot size which is out of character in the area.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties. Although the structure would be single storey, the tall pitched roof (maximum height of 5.746 metres) causes it to be visible in the street scene. In addition, the single storey appearance between two storey houses would cause the proposed development to look odd and incongruous in the streetscene.

The proposed garden area for the new dwelling in particular would result in a useable amenity space/garden area that would be significantly smaller than other properties in the vicinity. This area would be fenced off resulting in an artificial subdivision of the plot that would detract with the character of large spacious plots in the surroundings.

The proximity of the new dwelling to the host dwelling, the short boundary gaps, the scale of the new dwelling and the small resultant garden area to the new dwelling would result in a cramped form of development which would fail to reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development.

As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of the LPSS 2015-2034; Policies G5 and H4 of the Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.

Amenity and living standards of future occupiers

The proposal results in the alteration of the existing building to form a 5-bed dwellinghouse and the construction of a detached one bedroom, two person, bungalow. Policies H1 and D1 of the LPSS require new development to meet the requirements of the Nationally Described Space Standards:

5 bedroom, 8 person, 3 storey dwelling: Requirement = 134 square metres/Proposed = 371 square metres.

1 bedroom, 2 person, 1 storey dwelling: Requirement = 50 square metres/Proposed = 50 square metres.

The space standards have further room dimension requirements and the bedroom within the proposed bungalow would also meet with these requirements being approximately 11.8 square metres for a double compared to the standard of 11.5 square metres.

With regards to external amenity space, the proposed converted dwelling would have adequate amenity space for the proposed size of accommodation. The proposed bungalow would have a private amenity space measuring 67 square metres, which is considered adequate for the resultant 1-bed dwellinghouse.

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

No. 20 Pit Farm Road has a total of 4 top floor side facing windows, which face in the direction of the proposed bungalow. At ground floor level the existing French doors are proposed to be moved to the rear wall, and the resulting hole will be infilled. The existing ground floor side window is proposed to be replaced by obscured glazing.

It is considered that the upper floor side facing windows as well as the rear facing windows, will overlook the 'private' amenity space proposed to the rear of the new bungalow. Given the small area of external space it is important to retain a high degree of private amenity within it and the overlooking, which would occur as a result of this proposal would reduce the quality of the amenity space provided to an unacceptable level.

The floor upper floor windows on no. 20 serve bedrooms, which are habitable rooms. The rooms on the first floor are dual aspect so, these could be obscurely glazed, however, bedroom 3 has its largest window on the flank elevation and the rear facing windows are north east facing so get less sunlight. The rooms in the roof are single aspect and it would not be reasonable to have these windows obscurely glazed. Even if the first floor windows were obscurely glazed to reduce direct overlooking, the rear facing windows on no.20 would still result in oblique views. Therefore, the use of conditions would not overcome the overlooking of the garden to the bungalow.

By reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of the Local Plan 2003.

Impact on neighbouring amenity

The amenity of Knowles Cottage will not be harmed as a result of the proposal, in relation to overlooking, overshadowing or outlook.

Likewise, the proposed development will not have a detrimental impact upon Moonrakers.

### Conclusion of the Principle of Development

The above assessment has determined that the proposal will have a detrimental impact on the context and character of the surroundings; and the amenity of the occupiers of the proposed bungalow would be detrimentally impacted as a result of overlooking from No.20 Pit Farm Road.

As such the proposed development fails to comply with Policy H4 of the Guildford Borough Local Plan 2003; and therefore is not acceptable in principle.

Whilst the principle of development has been assessed and determined to be unacceptable, it is still important to assess the application against other the relevant planning policies. This report will therefore continue to assess the following:

- Housing mix/conversion from 2no. flats to single dwelling
- Highway/parking considerations
- Refuse storage
- Sustainability
- Thames Basin Heath Special Protection Area (SPA) mitigation
- Legal agreement requirements

### Housing mix/ Conversion from 2no. flats to single dwelling

One element of the proposal seeks to recombine 20 Pit Farm Road from two flats into a single dwelling.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwelling would create a large 5no. dwellinghouse, which would result in the net loss of one flat.

Although, the proposal would result in the loss of one flat, a new separate unit is being proposed and as long as the new unit is built the proposal would be not considered contrary with Policy H1 of the LPSS 2015-2034. This can be addressed via a planning condition or obligation.

### Highway/parking considerations

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

In terms of parking provision, the existing 3 parking spaces within the front driveway would be retained. In addition, the host property has a detached garage and therefore 4 parking spaces would adequately meet the parking requirements of the two resultant dwellinghouses as stipulated in the Vehicle Parking Standards SPD.

The Highways Authority has recommended conditions to secure cycle parking and fast charge socket to satisfy the Guildford Local Plan (2019) policy ID3 and the National Planning Policy Framework 2019.

### Refuse/bin storage

A bin store is proposed to the rear of the new dwelling. No details of the bin store have been submitted with the application, but this information could have been secured by way of a condition were the application recommended for approval.

### Renewable energy

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, the new dwelling would need to achieve a 20% reduction in carbon emissions through the use of renewable energy.

The proposed bungalow would incorporate solar photovoltaic panels (4no) on the north-east roof slope. However, no detailed information has been provided by the applicant in this respect. This information could have been secured by way of a condition had the application been considered acceptable.

Thames Basin Heath Special Protection Area (SPA)

The proposed development for an additional residential unit may adversely impact on the Thames Basin Heath SPA (TBHSPA). The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management contribution to avoid any adverse impact.

The SANG avoidance site will be determined at the time of, or following payment of contribution. A planning obligation is required in accordance with the terms of the Strategy, however the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require Section 106 Legal 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 proposes the provision of 1 additional residential unit in order for the development to be acceptable in planning terms, a Section 106 Legal agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, 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 the Conservation of Habitats and Species Regulations 2017, a Section 106 Legal agreement is required to ensure that the additional residential unit proposed by this development will not have any likely significant effect on the TBHSPA.

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 noted above, the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

**Conclusion.**

It is found that the proposal would be out of character in the surrounding area due to the scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to policy D1 of Guildford borough Local Plan: strategy and sites 2015 – 2034, saved policies G5 and H4 of Guildford Borough Local Plan 2003, the Residential Design SPG 2004 and the NPPF.

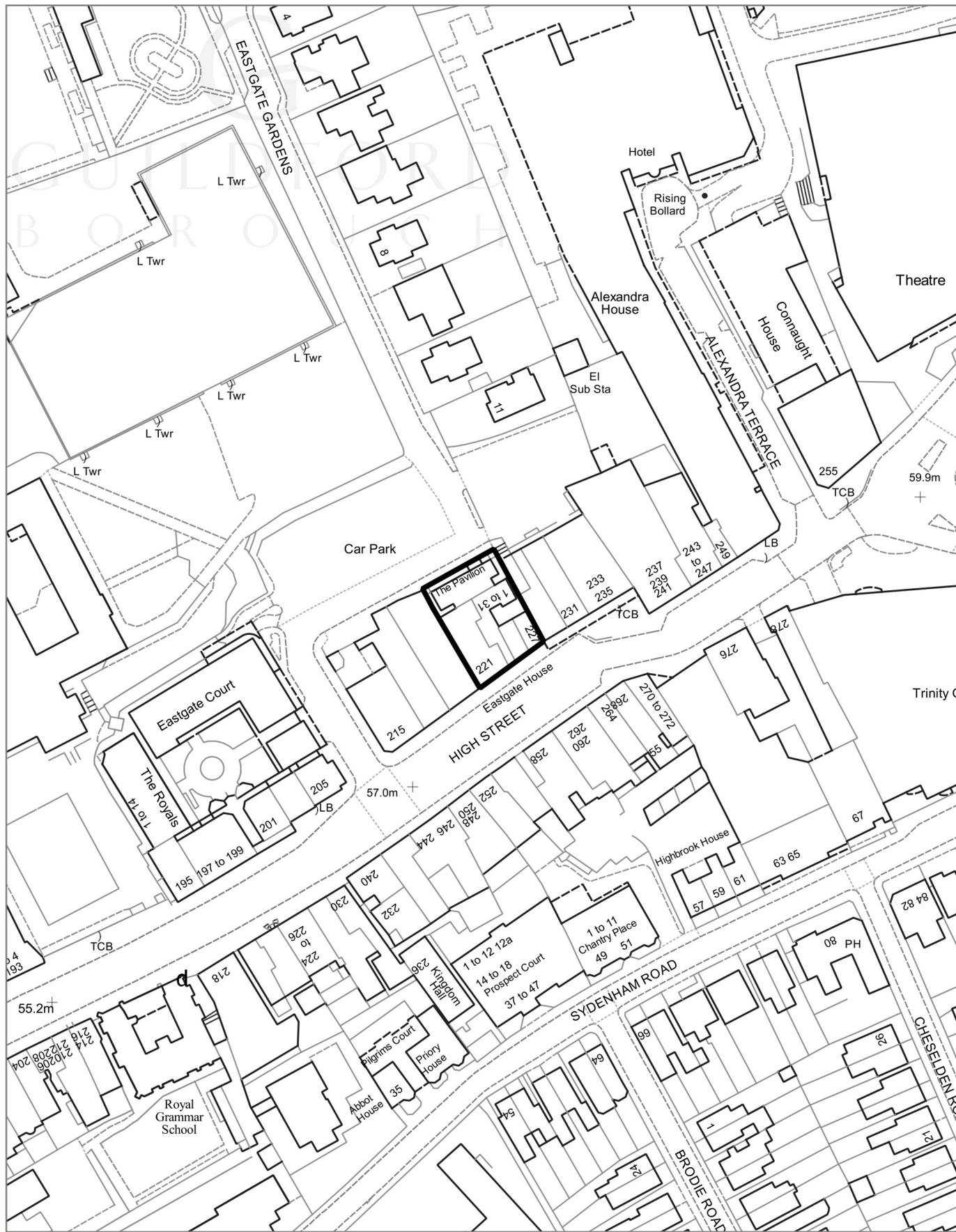
In addition, the proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would be overlooked by the side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with saved policies G1 and G5 of Guildford Borough Local Plan 2003.

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.

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# 21/P/00378 - 227 High Street, Guildford



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Print Date: 25/08/2021



21/P/00378 – 227 High Street, Guildford



Not to scale



**App No:** 21/P/00378 **8 Wk Deadline:** 04/05/2021  
**Appn Type:** Full Application  
**Case Officer:** Kelly Jethwa  
**Parish:** Holy Trinity **Ward:** Holy Trinity  
**Agent :** Maltby **Applicant:** MALTBY MRTPI  
Giles Maltby MRTPI  
33 Longmead  
Guildford  
GU1 2HN  
227  
High Street  
Guildford  
GU1 3BJ

**Location:** 227 High Street, Guildford, GU1 3BJ  
**Proposal:** Change of use of the existing ground floor E(a) use retail shop to E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Cllr John Rigg, who believes that a departure from policy E7(4) is justified.

#### **Key information**

Change of use from a retail shop use class E3(a) (formerly Class A1) to a mixed use as a E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

This is a vacant unit at the top of the High Street outside the cobbled street and in the secondary shopping frontage.

#### **Summary of considerations and constraints**

Policy E7(4) (a) and (b) were intended to prevent dilution of E(a) (previously class A1) retail uses i.e. no more than two or more adjacent non-retail uses, and no more than a third of the secondary frontage in non-retail use.

46% of the frontage is currently within uses that would have been considered non-A1 uses. This frontage already exceeds the 33% threshold for non-A1 uses. The situation after implementation of the proposal would not be "no more than one third".

The purpose of paragraph (4) of the policy is to prevent piecemeal loss of shop (former A1) uses which would have a weakening effect on the viability of remaining units in the secondary shopping frontage. In respect of paragraph (4), we could accept that the proposed takeaway is not entirely out of character at this easternmost end of the High Street, however loss of this shop use would conflict with (4) (a) and (b), and thereby further reduce the town centre's shopping function under (4) (d).

**RECOMMENDATION:**

**Refuse - for the following reason(s) :-**

1. The proposed change of use would result in more than one third of this section of the defined street level frontage being in non-retail use, eroding the shopping function of the town centre, contrary to Policy E7 of the Guildford Borough Local Plan: strategy and sites 2015-2034 and Chapter 7 of the National Planning Policy Framework (NPPF).

**Informatives:**

1. This decision relates expressly to drawing(s) E101, E102, E103, E107, E108, E109, E110, E111, E112, P109, GU1 3BJ - 1 and GU1 3BJ - 2 received on 24 February 2021; E104 REV A, E105 REV A, E106 REV A, P103 REV A, P104, P105, P106 and P107 received on 22 March 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 relates to a vacant commercial unit in the Guildford Town Centre, the unit presently has a retail E(a) use.

The site is also within the Town Centre Conservation Area, a Primary Shopping Area and Secondary Shopping frontage (167-235 High Street), a District Heat Priority Area, an Area of High Archaeological Potential (AHAP) and is covered by an Article 4(2) Direction.

The site is located towards the top of the High Street, beyond the cobbled area. The unit is situated on the ground floor of a six storey building, residential flats development occupies the upper floors.

**Proposal.**

Change of use of the existing ground floor E(a) use retail shop to E(b)/Sui Generis (hot food takeaway) Lebanese lunch restaurant and takeaway.

On submission the application was for a change of use of the existing ground floor A1 use retail shop to A3/A5 Lebanese lunch restaurant and takeaway. However, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) were introduced by the government on 20 July, and took effect on 1 September 2020. The proposal description was updated to reflect the changes to the use classes and the type of uses sought by the applicant with their agreement.

**Relevant planning history.**

None.

**Consultations.**

Internal consultees

Head of Environmental Health and Licensing: No objection. Conditions regarding noise, and extraction equipment recommended should permission be granted.

Amenity groups/Residents associations

Holy Trinity Amenity Group: no response.

**Third party comments:**

None received.

**Planning policies.**

National Planning Policy Framework (NPPF), 2021:

Chapter 2: Achieving sustainable development  
Chapter 4: Decision Making  
Chapter 6: Building a strong competitive economy  
Chapter 7: Ensuring the vitality of town centres  
Chapter 12: Achieving well-designed places

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

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

Policy E7: Retail and leisure uses in Guildford Town Centre

Policy D1: Place shaping

Policy D3: Historic environment

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

G1	General Standards of Development
G5	Design Code
HE4	New Development Affecting Setting of a Listed Building
HE7	New Development in Conservation Areas

Supplementary planning documents:  
Vehicle Parking Standards SPD 2006

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the heritage assets
- impact on neighbour amenity
- parking/highway considerations

The principle of development

This application seeks permission for a change of use of the premises from an E(a) use retail shop to E(b)/Sui Generis Lebanese lunch restaurant and takeaway. Policy E7 of the LPSS is relevant for this proposal which regards retail and leisure uses in the Guildford Town Centre and seeks to protect both A1 and Class A uses within the area.

The application site lies within an area designated as Secondary Shopping Frontage and as such the proposal must be compliant with point (4) of policy E7.

Policy E7 (4) sets out that within the Secondary Shopping Frontage defined on the Policies Map, planning permission for the change of use of ground floor shops (Class A1) to Class A3, A4 or A5 will be permitted where all the following criteria are met:

- (a) the additional uses result in no more than two permitted ground floor non-retail uses adjacent to each other; and
- (b) the additional use results in no more than one third of this section of the defined street level frontage in permitted non-A1 Use Class; and
- (c) the use will not result in loss of amenity in terms of noise, disturbance, smell, litter or traffic generation; and
- (d) the proposed use will not be detrimental to the shopping function or character of the town centre.

The new Class E use now encompasses a number of uses which were formally separated into different use classes (A1, A2, A3, B1a, B1b, B1c, and some D1 and D2 uses). Class E therefore includes gymnasiums and indoor recreation (not involving motorised vehicles or firearms), clinics, health centres, creches, day nurseries, day centres, office uses, research and development of products and process's, industrial processes which can be carried out in any residential area without causing detriment to the amenity of the area, financial and professional services (not medical) and shops. Planning permission is therefore not required for changes of uses within this new use Class E.

The previously A5 takeaway use is not covered by Class E and is defined as 'Sui Generis'. Therefore the change of use to hot food takeaway element of the proposal requires planning permission and the existing shop use is protected by the still applicable policy E7 (4). The old use classes A1 to A5 remain relevant to policy E7 (4) insofar as they are taken to mean the actual uses they refer to, i.e. A1 means "shops" A5 means "hot food takeaways". References to use classes in policy retain their meaning as referenced in the list of uses in Appendix 2: Glossary of the LPSS. Criteria (a) to (d) of policy E7 (4) were intended to prevent dilution of E(a) (previously Class A1) retail uses beyond these thresholds, as such all are still applicable to the sui generis element of the proposal, which falls outside of the new Class E.

The criteria shall be assessed below.

Would the proposal result in no more than two permitted ground floor non-retail uses adjacent to each other?

The immediate neighbouring unit to the west is Magic Scissors barbers (previously A1) and immediately to the east is Romans estate agents (previously A2). On the other side of Romans is Phyllis Tuckwell a charity shop (previously A1). Therefore, the change of use of this unit would result in there being a row of two adjacent non-retail uses, which complies with the criterion.

Would the proposal result in no more than one third of this section of the defined street level frontage in permitted non-A1 Use Class?

Appendix 5 of the LPSS sets out the Guildford Town Centre shopping frontages, the application site falls within the shopping frontage 167-235 High Street. Officers have visited the site and reviewed historic planning permissions and determine that approximately 46% of the frontage is currently within uses that would have been considered non-A1 uses. This frontage already exceeds the 33% threshold for non-A1 uses. The situation after implementation of the proposal would not be "no more than one third". The additional non-retail use would exacerbate the situation and as such fails to comply with this criterion. Policy E7 provides no exemptions to this. Despite the changes to the Use Classes Order the aims of this policy remain and therefore this matter continues to carry significant weight.

Impact on amenity

It needs to be assessed whether the proposal would result in material harm to amenity in terms of noise, disturbance, smell, litter or traffic generation.

The application unit is set between two commercial units and beneath a multi-storey block of flats. To the front of the site are additional retail and commercial premises opposite. To the rear of the unit is an enclosed courtyard which serves a few of the ground floor commercial units and the flats above. The proposal involves the installation of an extractor riser on the rear of the unit within the central courtyard, it would climb from ground floor level up to the roof.

The Environmental Health team have assessed the proposal and do not raise any objections with regard to noise, disturbance or odour, based on the submitted supporting details including noise survey and assessment report and equipment specification. Had the application been otherwise acceptable, a condition requiring the ventilation and extraction system be implemented in accordance with the submitted details would have been recommended, in order to ensure suitable noise, disturbance and odour control.

By virtue of its size and siting the proposed external extractor riser would have no adverse effect on the residential amenity enjoyed by the occupants of surrounding properties, in terms of loss of light and overbearing impact.

It is expected refuse bin provision would be made within the unit and there are bins nearby out of the street, as such the proposal is unlikely to result in a litter problem. The application is found to be acceptable in this regard.

The application site is in the Guildford Town Centre and as such is a sustainable location close to transport links and public car parks, therefore, the application is found to be acceptable in regard to traffic generation.

Would the proposal development be detrimental to the shopping function or character of the town centre?

The proposed change of use would retain the existing shop frontage and would therefore maintain the character of the unit, however, the loss of an existing retail unit would add to the existing unacceptable erosion of retail uses in the area. It is noted there are a significant number of takeaways and restaurants now at this easternmost end of the town centre, which have been gradually changing its character. As such the proposal would result in a cumulative adverse impact on the function of the town centre as a retail destination. The underlying purpose of the amendments to the Use Classes Order was to stimulate the vitality of town centres by allowing greater flexibility in terms of changes of use, not to permit development which potentially could have a detrimental impact on that vitality; it is of considerable relevance that takeaway uses were not included within the new Class E.

Impact on heritage assets

Statutory provisions:

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. the NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 200-208 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 located within the Guildford Town Centre Conservation Area opposite a number of listed and locally listed buildings. No changes are proposed to the front of the unit. The proposed extractor riser would be a large, unattractive structure climbing 6 storeys of the building. It would project 1m above the tallest point of the building. It would be set in from the front and rear elevations of the building, located within the central courtyard where it would not be visible in either the front or rear street scene. As such, the proposed development would not result in any material harm to the designated or non-designated heritage assets.

Fall back position?

The unit's existing use could change to any other use now falling within Use Class E, which include non-retail uses, without the need for express consent. This is a material consideration which has to be weighed against the identified breach of policy E7, greater weight can be given to it if new 'fallback' options for developers being implemented as an alternative to their pursuit of planning permission are likely and taking into account the relative impact.

In this case, a potential fallback position for the applicant could be use of the unit solely as a restaurant, since this would not require planning permission being within the existing use Class E. The proposal is for a mixed use lunch restaurant and takeaway, the submitted floor plan identifies a limited space for customers to dine in, does not identify customer seating or toilet provision, which are required for a restaurant. As such it not clear from the information provided that the unit could realistically be used solely as a restaurant, the takeaway element is likely to make up a significant proportion of sales. No supporting information has been submitted to identify any alternative realistic Class E uses that are likely to come forward in the event permission is refused.

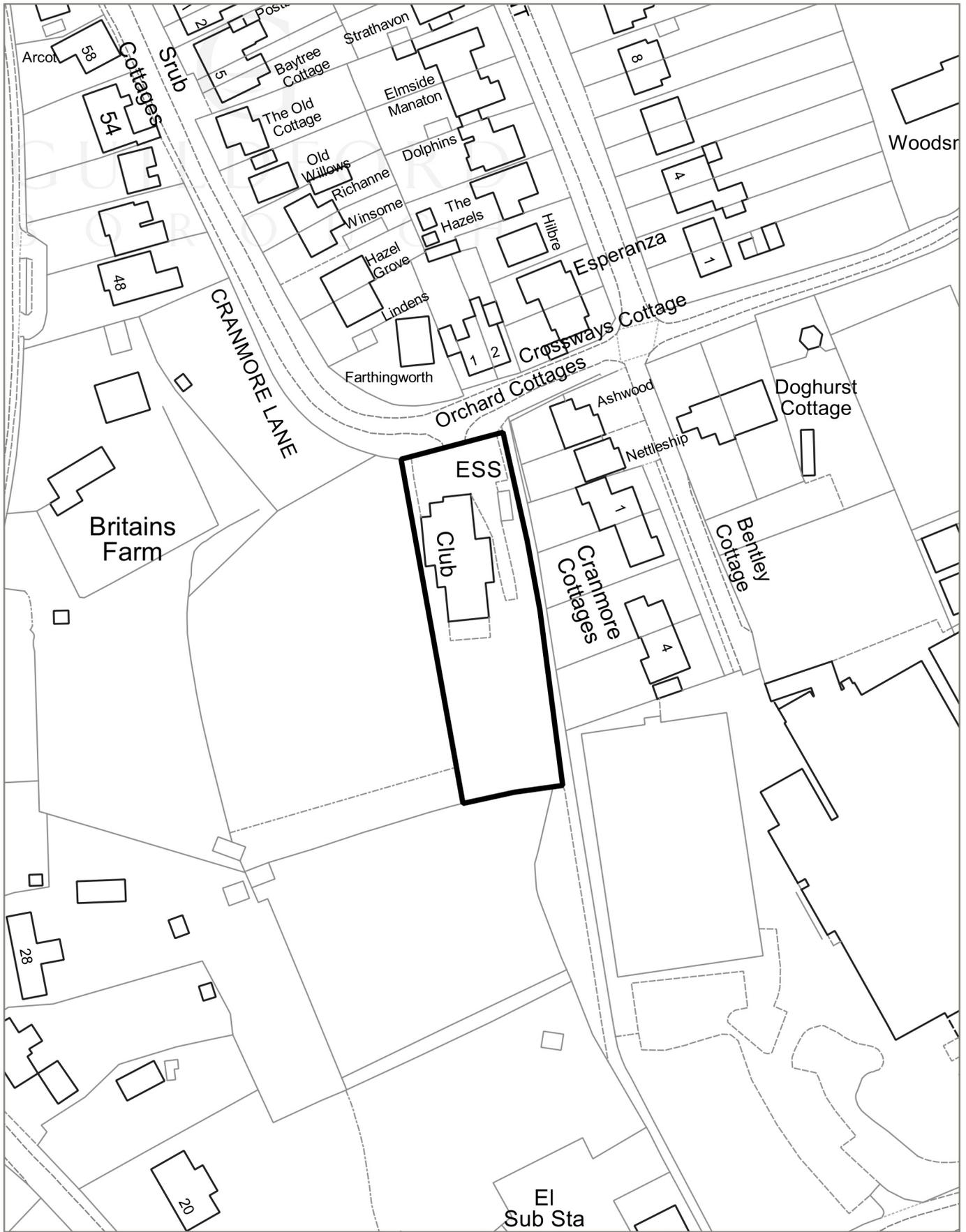
Despite it being necessary to give some weight to the fact that planning permission is not required to change sections of the defined street level frontage to certain non-retail uses (within Class E), there is uncertainty over whether the application unit is suitable for such alternative uses, therefore it remains the case that policy E7 (4) carries relatively greater weight and remains the determinative factor in the balance.

**Conclusion.**

The proposed development would result in the loss of a retail unit within a Secondary Shopping Frontage where the appropriate balance between the number of retail and non-retail complementary uses has already been adversely affected. The proposal would add to the cumulative effect of the erosion of the shopping function of the town centre and would fail to comply with Policy E7(4) of The Guildford Borough Local Plan: Strategy and Sites 2015-2034 and Chapter 7 of the NPPF.

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# 21/P/00404 - Goodhart-rendel Community Hall, Cranmore Lane, West Horsley, Leatherhead



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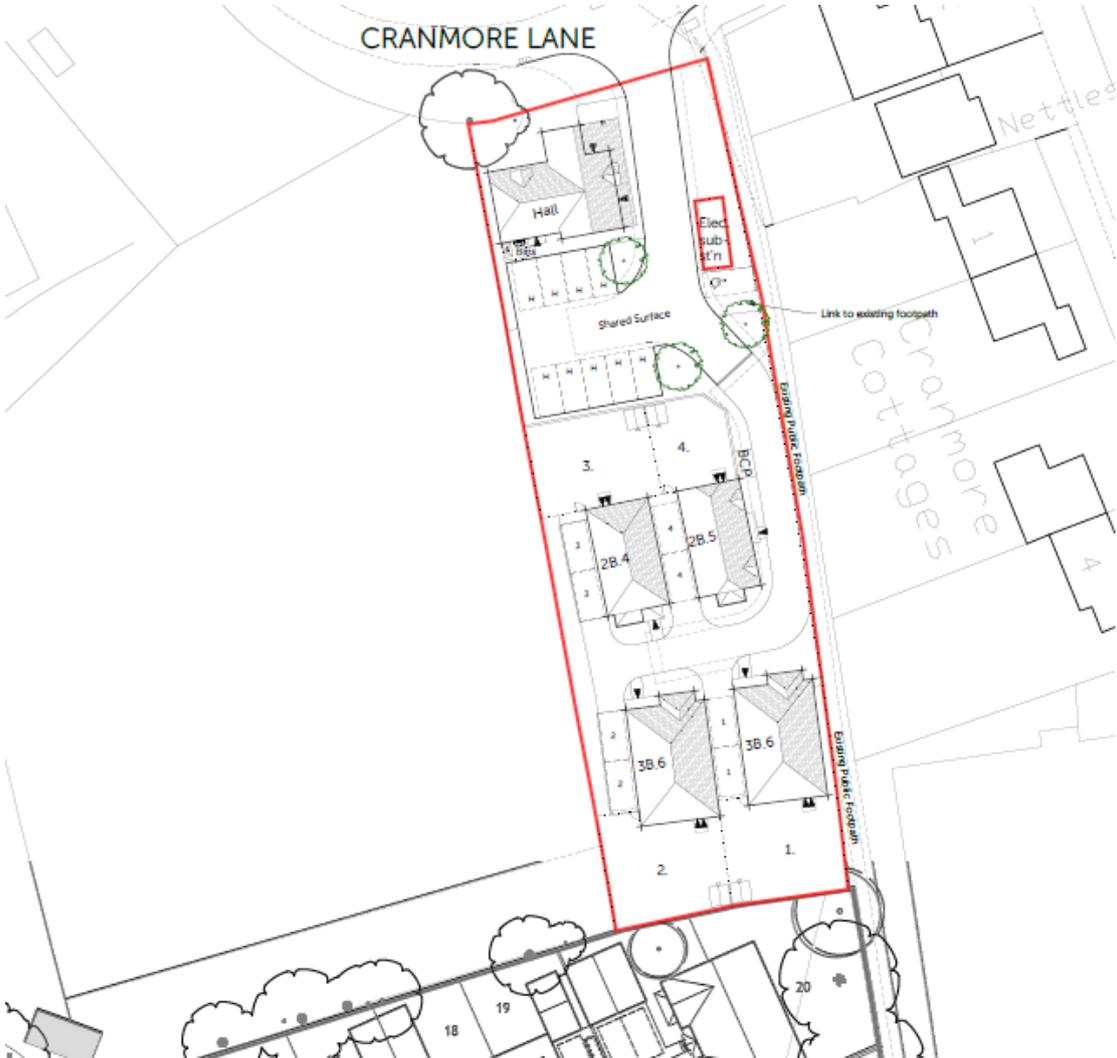
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Print Date: 25/08/2021

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**21/P/00404 – Goodhart-Rendel Community Hall, Cranmore Lane,  
West Horsley, Leatherhead**



Not to scale



**App No:** 21/P/00404  
**Appn Type:** Full Application  
**Case Officer:** Jo Trask  
**Parish:** West Horsley  
**Agent :** Mr K Scott  
Solve Planning Ltd  
Sentinel House  
Ancells Business Park  
Harvest Crescent  
Fleet  
GU51 2UZ

**8 Wk Deadline:** 23/04/2021

**Ward:** Clandon & Horsley  
**Applicant:** BlackOnyx Capital Limited  
(formerly West Horsley  
Residential Limited)  
c/o Agent  
GU51 2UZ

**Location:** Goodhart-Rendel Community Hall, Cranmore Lane, West Horsley, LEATHERHEAD, KT24 6BT

**Proposal:** Erection of a replacement community hall, together with four new residential dwellings, internal road, car parking and associated landscaping following demolition of existing community hall.

### **Executive Summary**

Members should note that this application is the subject of a non-determination appeal, and as such, the decision on this proposal will be taken by the Secretary of State through the Planning Inspectorate. The appeal was formally submitted by the appellant on 27 April 2021. The Planning Inspectorate confirmed the appeal to be valid on 19 May 2021. The Council is currently awaiting the start date from the Planning Inspectorate.

Had the Council retained the right to determine this application, the recommendation would have been to approve subject to conditions. The reasons for the recommendation are set out in detail in the report and summarised briefly below.

### **Reason for referral**

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

### **Key information**

The application proposes a replacement two storey community hall measuring a maximum of 8.5m in height.

4 dwellings are proposed to facilitate the rebuilding of the community facility

2 x 2 bed  
2 x 3 bed

Parking will be provided on site  
10 spaces afforded to the community hall  
2 spaces to each dwelling  
total parking provision of 18 spaces.

## Summary of considerations and constraints

The proposal is located with the village of West Horsley and is inset from the Green Belt. The site is within the West Horsley Conservation Area. It is surrounded by existing residential development and extant residential development permissions of which some have been implemented and are currently under construction. A public footpath runs along the eastern boundary of the site linking Cranmore Lane (to the north) with the Epsom Road A246 (to the south).

The site is within the 5km to 7km buffer for the Thames Basin Heath SPA.

There is an existing, albeit in a poor state of repair community hall known as Goodhart Rendell Hall previously occupied by the British Legion, on the site.

The proposed development in providing an identified public benefit through the replacement of the community facility and the provision of 4 residential units, subject to conditions is on balance acceptable.

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

## **RECOMMENDATION:**

### **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: location plan PH3(R)\_LP.01 rev A, site layout PH3(R)\_SL.01 rev A, existing site block plan PH3(R)\_EXSL.01 rev A, existing hall floor plan PH3\_EB.01 rev A, existing building elevations PH3\_EB.E rev A, proposed block plan PH3(R)\_PBP.01 rev A, proposed hall sections PH3(R)\_CH.S rev A, existing building elevations PH3\_EB.E rev A, proposed hall elevations PH3(R)\_CH.E rev A, coloured street elevations PH3(R)\_CSE.01 rev A, Plot 1 elevations PH3(R)\_HT.3B.6.E1 rev A, plot 2 elevations PH3(R)\_HT.3B.6.E2 rev A, plot 3 elevations PH3(R)\_HT.2B.4.E rev A, plot 4 elevations PH3(R)\_HT.2B.5.E rev A, proposed roof plan PH3(R)\_RLP.01 rev A, street scene PH3(R)\_SE.01 rev A, proposed hall floor plans PH3(R)\_CH.P rev A, plots 1 and 2 proposed floor plans PH3(R)\_HT.3B.6.P rev A, plot 3 proposed floor plans PH3(R)\_HT.2B.4.P rev A, plot 4 proposed floor plans PH3(R)\_HT.2B.5.P rev A, hall bin store floor plans and elevations PH3(R)\_BS.01.PE rev A, garden shed floor plan and elevations PH3(R)\_SH.01 rev A, carport plan and elevations CP.01.PE rev A, boundary materials layout PH3(R)\_BML.01 rev A, coloured site layout PH3(R)\_CSL.01 rev A, dwelling materials layout PH3(R)\_DML.01 rev A, figure ground plan PH3(R)\_FGP.01 rev

A, photovoltaic panel layout PH3(R)\_PVL.01 rev A, refuse strategy layout PH3(R)\_RSL.01 rev A, landscape strategy 5272\_CL\_006F, Design and Access Statement, Arboricultural Development Report by tree: fabrik, Sustainability and Energy Statement by Blue Sky, Ecological Appraisal by Aspect Ecology, Flood Risk & Drainage Statement by Glanville, Heritage Statement by Asset Heritage Consulting, Building Survey Report by Crick May, Daylight and Sunlight Assessment by Daylight and Sunlight Consulting, NDSS compliance table, Transport Statement by Glanville received on 26 February 2021 and Noise Impact Assessment report by Cole Jarman 20/0242/R1 received on 22 April 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 above slab level until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

4. The windows in the first floor side elevation of plot 2 and plot 4 of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

5. The premises shall be used for a Community Hall and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In granting this permission the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

6. The Community Hall (D1) use hereby permitted shall not operate other than between the hours of 08:00 to 23:00 Mondays to Saturdays (inclusive) and between the hours of 08:00 to 22:00 on Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

7. 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 plan, Drawing No. PH3(R)\_CSL.01, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) measures to prevent the deposit of materials on the highway
- (e) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This pre commencement condition goes to the heart of the planning permission.

9. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. PH3(R)\_CSL.01, for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

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

10. 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.

11. The development hereby approved shall not be occupied unless and until at least 20% of the unallocated parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

12. The existing vehicular access to Cranmore Lane shall have adequate visibility splays in accordance with the approved plans, in reference to Transport Statement, Drawing No.8210186/6101 Rev A, and thereafter shall be permanently maintained.

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

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

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's 'Climate Change, Sustainable Design, Construction and Energy' SPD 2020.

14. The development hereby approved shall be carried out in strict accordance with the impact avoidance and mitigation measures and ecological enhancements detailed in section 6 Mitigation Measures and Biodiversity Net Gains of the Ecological Appraisal by Aspect Ecology dated February 2021 in accordance with the approved timetable detailed in the ecological assessment.

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

15. No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and to secure biodiversity net gains. This pre commencement condition goes to the heart of the planning permission.

16. No development shall take place until an Arboricultural Method Statement (detailing all aspects of demolition, construction and staging of works, description of how operations that may affect trees will be carried out to minimise any adverse impact on them) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. This pre commencement condition goes to the heart of the planning permission.

17. The approved development shall be implemented in accordance with the approved Surface Water Drainage strategy set out in the Flood Risk & Drainage Statement by Glanville dated 25 February 2021 prior to the first occupation of the buildings.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development.

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

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

**Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

In this case pre-application advice was sought the application was submitted prior to the formal comments being issued. The application is at appeal for non determination scheme. The report sets out what the Council would have done had they retained authority to determine.

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

3. Highways Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway

Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The

Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

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

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.

4. Thames Water

The developer is advised that if they propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

**Officer's Report**

*This application is the subject of a non determination appeal. The report below sets out what the Council would have done, had they retained jurisdiction to determine the application.*

**Site description.**

The application site measuring 0.21 hectares is relatively flat. It is located within the West Horsley Settlement Boundary and is inset from the Green Belt. It also lies within the West Horsley Conservation Area. The site is currently occupied by a single storey community hall building which has benefited from ad hoc additions, a parking area is located to the front of the site, with the remainder of the site laid to grass.

The site is rectangular in shape with a frontage to Cranmore Lane. A public footpath runs north south along the length of the side boundary to the east, connecting Cranmore Lane with the Epsom Road (A246).

It is located within the 5km to 7km buffer of the Thames Basin Heaths Special Protection Area.

A treed boundary defines the boundary to the west adjoining Britains Farm, to the north the boundary is open. To the east a low wire fence denotes the boundary and to the south the boundary is currently defined by site secure boundary treatment whilst construction works in accordance with planning permission on land to the south.

Cranmore School is located to the south east. With existing and approved residential development to the north, east, south and west.

Planning permission for 5 dwellings has been granted at Britains Farm (20/P/01430) to the west of the application site. With planning permission granted for 23 dwellings to the south of the application site under reference 19/P/01210 and 20/P/01273 (site allocation A36 of the LPSS).

### **Proposal.**

Erection of a replacement community hall, together with four new residential dwellings, internal road, car parking and associated landscaping following demolition of existing community hall.

Residential element:

2 x 2 bed

2 x 3 bed

Building heights:

Plot 1 = 8.1m (3B)

Plot 2 = 8.1m (3B)

Plot 3 = 7.6m high (2B)

Plot 4 = 8m (2B)

Existing community 350m<sup>2</sup>

Proposed community hall 181m<sup>2</sup>

Proposed community hall two storeys in height, max height of 8.5m

### Parking

Total of 18 spaces

10 afforded to the community hall

2 spaces per dwelling

plots 2 and 3 will be provided as carport's

### **Relevant planning history.**

20/P/01503 - Demolition of the Goodhart Rendel Community Hall and erection of a replacement community hall (use class D1) together with five residential dwellings (use class C3) together with a new internal road, car parking and associated landscaping. Withdrawn

15/P/02006 - Demolition of existing community hall and redevelopment of the site to deliver a mixed use scheme including a new community hall, six detached residential dwellings, access, parking, landscaping including provision of a temporary porta cabin for the community hall during the period of works. Refused. Appeal Dismissed.

## **Consultations.**

### Statutory consultees

County Highway Authority: The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommends conditions regarding parking and turning of vehicles, secure cycle parking, visibility splays, electric vehicle charging, fast charge sockets and a Construction Transport Management Plan.

Thames Water: Surface Water Drainage - no objection subject to the developer following the sequential approach to the disposal of surface water. Prior approval from Thames Water required where disposal proposed into a public sewer. Waste Water Network and Sewage Treatment Works infrastructure capacity - no objection based on information provided.

Surrey Wildlife Trust: The application accompanied by an Ecological Appraisal (Aspect Ecology, February 2021) confirmed the presence of active common and soprano pipistrelle roosts within the development site and that these roosts would be lost as a result of the development. Bats and their roosts are afforded protection under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 as amended and the Wildlife and Countryside Act 1981. Works would be contrary to this legislation in the absence of derogation licensing. If LPA minded to grant planning permission the applicant is required to obtain a mitigation licence from Natural England and undertake all actions detailed in the Method Statement.

### Internal consultees

Head of Environmental Health: no objection, subject to a ventilation condition.

Refuse and recycling: No objection.

### Parish Council

West Horsley Parish Council: Object on the following grounds:

- conflict with policies:
  - WH1 West Horsley Conservation Area
  - WH2 Design Management within Village Settlement
  - WH4 Housing Mix
  - WH15 Dark Skies
  - D3 Historic Environment
- Site is not allocated in the local plan
- Site is not identified in the Land Availability Assessment 2020
- GBC can demonstrate a five year housing land supply, with a significant buffer
- no housing supply requirement for development on this site
- Conflicts with policy WH4 - no 1 bed dwellings or bungalows are being provided
- Style and design of community hall is inappropriate and out of character
- location of community hall closer to the highway erodes semi-rural feel
- formal suburban arrangement of the proposed housing is harmful to the character of the Conservation Area
- concern regarding light pollution from the hall, no lighting scheme has been submitted
- impact of additional traffic on Cranmore Lane
- no opportunity for over spill parking
- impact of noise generating activities on neighbouring properties needs to be considered
- no assessment of need for a replacement hall
- concerns over ownership and right of Trustees to develop the site

West Horsley Parish Council are investigating the ownership of the site and whether there are restrictions on its use for the local community only.

**Third party comments:**

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

- hall not a community asset
- new community hall not needed -no need demonstrated [officer comment: this is an existing facility, loss of a community facility would need to be justified]
- hall should be rebuilt and remaining land be used as a play area/pond
- hall should be removed
- new hall intrusive form of development set closer to Cranmore Lane
- ownership of site and whether Trustees have the right to develop the land questioned - land gifted by deed of trust in perpetuity to the village [officer comment: this is a legal covenant issue that falls outside of planning legislation]
- no need for housing
- not an allocated site [officer note: this falls under windfall housing]
- housing should not be considered in isolation
- new hall being used as excuse to erect 4 dwellings
- loss of privacy
- loss of light
- noise, disturbance and pollution from new hall
- destruction of natural and historic environment through granted permissions on allocated site, Britains Farm and Chamney Cottage
- last parcel of green space
- increased traffic
- highway safety
- lack of parking and limited off street parking in immediate vicinity
- construction damage to surrounding roads
- out of character
- overbearing
- out of scale
- inadequate infrastructure to support development
- detrimental impact on wildlife
- better use of land would be for recreation and wildlife [officer comment: the council can only consider the application before them]
- contrary to WHNP
- discrepancies on measurements of the proposed dwellings [officer comment unclear what discrepancies are referred to]
- site would benefit from being designated a Local Green Space.
- refer to previous refusal and appeal decision
- Noise Impact Assessment is flawed. [officer comment: this has been reviewed by Environmental Health who raise no objection subject to a ventilation condition]

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

- provision of much needed smaller housing
- support smaller housing developments in the village
- current dilapidated community hall is an eyesore
- replacement of hall long overdue
- support building the community a new hall
- community halls are for many different members of the community
- provides snooker, table tennis and skittles alley, no other opportunities in close proximity
- used by University of the Third Age
- site within the village boundary
- trustees have been unable to secure funding for hall
- scheme is the only means of securing replacement community facility
- provides a community focus for new development being built in the immediate vicinity

### **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 8. Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places.

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

Chapter 15: Conserving and enhancing the natural environment.

Chapter 16 Conserving and enhancing the historic environment

#### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

#### 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 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.

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

D3 Historic Environment  
E5 Rural Economy  
ID3 Sustainable transport for new developments  
ID4 Green and blue infrastructure

Following the adoption of the Guildford Borough Local Plan: strategy and sites, until the local plan Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan.

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

CF1 Provision of New Community Facilities  
G1 General Standards of Development  
G5 Design Code  
HE7 New Development in Conservation Areas  
NE4 Species Protection  
NE5 Dev. Affecting Trees, Hedges & Woodlands

Neighbourhood Plans:

West Horsley Neighbourhood Plan (WHNP), 2016-2033:

WH1: West Horsley Conservation Area  
WH2: Design management in the village settlement  
WH4: Housing Mix.  
WH8: Local Buildings of Historic Interest.  
WH12: Green and blue infrastructure network  
WH13: Sustainable urban drainage  
WH14: Biodiversity.  
WH15: Dark skies.

Supplementary planning documents:

Vehicle Parking Standards, 2006  
Thames Basin Heaths Special Protection Area Avoidance Strategy  
Planning Contributions SPD  
Climate Change, Sustainable Design, Construction and Energy 2020

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- housing need / mix
- the impact on the character of the existing site and surrounding area
- impact on the heritage assets
- the living environment
- the impact on neighbouring amenity
- highway/parking considerations
- the impact on biodiversity and ecology
- the impact on trees and vegetation
- the impact on surface water flooding
- sustainability
- Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)
- legal agreement requirements

### Principle of development

The loss of the Goodhart-Rendel building needs to be considered. A previous planning application 15/P/02006 (for the demolition of existing community hall and redevelopment of the site to deliver a mixed use scheme including a new community hall, six detached residential dwellings, access, parking, landscaping including provision of a temporary porta cabin for the community hall during the period of works) included the demolition of the existing hall. This was refused and the subsequent appeal was dismissed. However, in dismissing the appeal the Inspector raised no objection in principle to the replacement of the existing community hall, instead dismissing the appeal on grounds of inappropriate development in the Green Belt (6 new dwellings). No objection is raised to the principle of demolishing the existing building.

When considering the retention of community facilities the NPPF para 92 states that planning decisions should plan positively for the provision and use of shared spaces and guard against the unnecessary loss of valued facilities and ensure established facilities are able to develop and modernise and are retained for the benefit of the community. Policy E5 of the LPSS 1(c) supports the retention and development of accessible local services and community facilities in the inset and identified villages, this includes meeting places, which respect the character of the countryside.

The existing hall is accepted as being in a very poor state of repair. The applicant has advised that it would be prohibitively expensive to repair and renew the existing building. Instead proposing a replacement hall as the better option. The proposed hall would re provide the existing skittles alley, table tennis and snooker offering. The proposed ground floor would contain a small meeting room, skittle alley, bar, wc's and kitchen. Within the first floor a snooker table and table tennis would be provided.

The site is inset from the Green Belt. The principle of new housing is acceptable subject to meeting other criteria.

The proposal will be considered against the relevant policies below.

### Housing mix/ need

#### *Dwelling mix*

Policy H1 of the LPSS 2015-2034 states that new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location. The latest SHMA states a need for 10% one bed units, 30% two bed units, 40% three bed units and 20% four bed units. Policy WH4 of the West Horsley Neighbourhood Plan seeks a mix of one, two and three bed open market homes.

The proposed development is for 50% two bed units, 50% three bed units. A SHMA compliant mix would be 1 x 2 bed, 2 x 3 bed and 1 x 4 bed. Given the WHNP seeks a mix of 1, 2 and 3 bedroom properties the proposed mix is argued to be in general conformity with the requirement of the SHMA and Policy WH4. It is noted that the SHMA is for guidance only and policy H1(1) does allow for flexibility for the housing mix on individual sites. Regard has also been given to the recent appeal decision at Chamney Cottage, Cranmore Lane referenced APP/Y3615/W/19/3241724. With reference to Policy WH4 of the Neighbourhood Plan, the Inspector noted that the policy does not preclude the delivery of larger homes nor does it set a threshold for its application.

The Inspector found that whilst the proposal at Chamney Cottage was not entirely compliant with the requirement of Policy WH4 of the Neighbourhood Plan, it did comply with Policy H1 of the LPSS to deliver a wide choice of homes to meet a range of accommodation needs as set out in the SHMA. The Inspector also noted that Policy H1 of the Local Plan is more the more recently adopted policy.

The proposal is a small scale development of 4 units, it is not unreasonable that no 1 bed units are included, given the location of the site. With regard to the expectation on the provision of bungalows, whilst not stipulated this would be easier to achieve on larger development sites. Bungalows by nature tend to have larger footprints than many smaller dwellings. Given the number and size of the proposed units and site area it is unlikely to be feasible to provide bungalows.

Whilst there is conflict with the neighbourhood plan policy, the proposed mix of smaller units is considered acceptable in principle in accordance with policy H1 of the Local Plan and the NPPF.

*Living environment*

Paragraph 130 (f) of the NPPF states that planning policies and decisions should ensure that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and futures users.

Policies H1 and D1 of the Local Plan 2019 requires that all new developments are 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 as set out by the Ministry of Housing, Communities and Local Government (MHCLG).

NDSS compliance

No. of Beds	bed space/storeys	NDSS min area	Proposed min area
2b	3b/ 2 storey	70m <sup>2</sup>	120.5m <sup>2</sup>
3b	4p/2 storey	84m <sup>2</sup>	171m <sup>2</sup>

The proposed dwellings would have internal floor areas ranging from 120.5 sq.m. for the two bedroom units to 171 sq.m. for the 3 bedroom units which would exceed the minimum requirements of the nationally described space standards. All habitable room windows would have adequate access to daylight and outlook. Externally the proposed dwellings would have access to outdoor space. As such it is considered that the proposed dwellings would comply with the requirement of policies H1 and D1 of the LPSS, which require new developments to comply with the nationally described space standards.

A daylight and sunlight survey has been provided to assess the impact of the mature tree boundary on the rear garden area of plot 3, assessing sun of ground and concluding that good levels of sunlight will be achieved, even when taking the mature trees in leaf.

Impact on the character of the existing site and surrounding area

The character of the area is defined as a mix of residential properties to the east and north. Planning permission has recently been granted for two separate schemes directly abutting the west and south boundaries. Further to the south a further two planning permissions 20/P/00409 and 17/P/01580 for additional housing. Resulting in four sites of housing development extending from the Epsom Road (A246) in the south to Cranmore Lane in the north. The application site directly shares a boundary with the schemes at both Britains Farm to the west and 20 The Street to the south. At the time of the site visit development had commenced on the approved scheme to the south. Whilst located within the West Horsley Conservation Area, the built environment is changing due to the recently consented adjacent schemes. To the west (Britains Farm) has recently granted planning permission for 5 detached dwellings within reasonably sized plots. To the south (site allocation A36) granting permission for 23 dwellings of a greater density. Unfortunately the opportunity to secure a cohesive and comprehensive form of development has not been possible, resulting in four very different developments. The application proposes a further form of development, which relates more closely to the allocated site to the south, in terms of its density and garden depths.

The existing hall building sprawls into the front half of the site, with an undesignated parking area to the frontage. To the rear the land is grassed. The proposal seeks to replace the existing community hall with a two storey detached building re providing an upgraded community hall facility. To be located to the front of the site, with parking provided to the rear, accessed via a shared surface drive running along the eastern side of the building. An enclosed refuse bin area is shown to the rear of the building. The existing site contains a substation that would be retained on site.

The proposed hall would be of pitched roof design, with the front and rear elevations shown to have a prominent gable feature. The first floor would be contained within the roof space. To the side elevation addressing the access road the roof would provide an overhang to the first floor. An open porch area would be provided to the front entrance, with further entrance doors to the side and rear. The hall would provide an active frontage to both Cranmore Lane and the internal road access to the parking area. The building is of a good quality design with hints towards the original building. Subject to securing high quality materials it would enhance the character of the Conservation Area.

Beyond the community hall a parking area is provided directly to the rear, beyond which the rear garden areas of plots 3 and 4 would be located. The boundary to the rear of plots 3 and 4 is shown to be defined by a wall with planting. The residential dwellings would be accessed via a private drive extending from the access to the hall parking. Plots 3 and 4 face into plots 1 and 2, which are located to the southern part of the site.

Plot 1 is a three bedroomed unit with a hipped roof and a projecting two storey bay window to the front elevation. Suburban in style. The side elevation towards the eastern boundary will be viewed as a black elevation with the exception of brick blind window detailing to the first floor. A design reaction to mitigate against the MUGA pitch noise source. In addition the side and rear boundary are proposed to be defined by an acoustic 2m fence, with planting. The length of the fence will extend the depth of plot 1, with the remainder of the eastern boundary to the footpath is shown as post and rail with planting.

Plot 2 is a three bedroom dwelling. It would replicate plot 1 in design, with the exception of the blind brick window detailing.

Plots 2 and 3 would be afforded a tandem carport with mono pitched roof over to the side of the dwelling. The carport is proposed to limit the impact of leaf drop from nearby trees onto the parking areas.

Plots 3 would be of hipped roof design with a bay window extending to provide a porch over the front entrance. Brick detailing is shown to the windows.

Plot 4 is designed as a corner plot with a frontage to the access drive and internally in positioning opposite plot 1. The front entrance would be located to the side facing towards the access drive, public footpath beyond and the rear gardens of 2 and 3 Cranmore Cottages.

The proposed palette of materials are noted as: render, facing brick, grey roof tile to the hall, facing brick, tile hanging, and brown roof tile. The quality of materials is key to the success of the development and its contribution to the conservation area. The submission of materials would be the subject of a condition. The dwellings have been designed as pitched and part hip barn style roofs, no areas of flat roof are proposed.

Proposed boundary treatments to include 1.8 m and 2.0 m close board fencing to rear gardens of plots 1, and 2, and side gardens to plots 1, 2 and 3. Boundary brick wall to rear of plot 3 and rear and side of plot 4. A 1.2m post and rail fence is proposed to a significant section of both the west and eastern boundaries of the site.

A landscaping strategy plan accompanies the application with an indicative species schedule. This includes new tree planting, new hedge planting in addition to the retention of the existing hedgerow to the west boundary. Post and rail fencing with planting is proposed between the rear gardens and along the footpath until plot 1. Planting is also indicated to the proposed rear wall boundary to plots 3 and 4 and along the proposed side boundary fence at plot 1. A landscaping condition is recommended to ensure native planting is secured, to enhance biodiversity and to soften the impact of the development.

The proposal is not allocated as a 'local green space under WHNP policy WH11. Under Policy WH12 Green and Blue Infrastructure this identifies the existing public footpath that runs to the east of the site, providing pedestrian links in and around West and East Horsley. This footpath falls outside of the application site, is a public footpath and would not be altered by the development.

The proposed development would not give rise to unacceptable harm to the wider area. The development subject to conditions would accord with policy D1 of the LPSS and saved policy G5.

#### Impact on the heritage assets

Impact on the West Horsley Conservation Area  
Statutory provisions:

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. the NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 199-205 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The heritage assets are the West Horsley Conservation Area, there are two Grade II Listed buildings in the vicinity of the site; Britains Farm and Sumners (28 The Street). However the development site is not read in the context of these properties. The proposed development would not affect the setting of the listed buildings and no harm is identified to these heritage assets.

WH1 of the West Horsley Neighbourhood Plan states that development proposals will be supported provided they are empathic with the diverse style of the existing built environments, that the buildings are of good design using high quality materials, are of sympathetic scales, heights and forms using locally used and prominent materials, provide low boundary walls, hedges and front gardens to match the existing arrangements and alignment and retain natural verges to the highway. It goes on to say that the unnecessary loss of mature trees and established hedgerows will be resisted.

Policy D3 of the LPSS states the historic environment will be conserved and enhanced in a manner appropriate to its significance. The impact of development proposals on significant heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

The West Horsley Conservation Area Appraisal is not yet adopted.

The Conservation Area is predominantly brick; accordingly the units feature brick, as well as rendering to the Community Hall. There is some limited variety in the design of units. A material palette has been indicated, materials would be the subject of a condition.

The position of the dwellings within the site, together with the intended retention of the existing dense tree boundary to the west boundary, and the additional tree planting proposed, would ensure that there would be limited impact on the wider conservation area. Additional hedge planting and post and rail fencing is proposed to define between the private rear gardens. This would ensure that the semi-rural character of this part of the conservation area would be retained.

The accompanying arboricultural report identifies 3 trees to be removed, with the remaining trees and existing hedgerow to be retained, additional planting is proposed and would be the subject of conditions.

Whilst the proposed layout does not make provision for front gardens with low boundary walls and hedges it is not dissimilar to the approach taken in the recent planning permission at 20 The Street, directly to the south of the application site. Whilst not setting a precedent it would be difficult to argue the harm in the light of recent surrounding permissions. The proposed more suburban design of the dwellings and lack of design cohesiveness resulting from the surrounding piecemeal developments to which this site becomes the final piece results in some harm to the designated heritage asset (West Horsley Conservation Area). The public benefit of redeveloping the site to re provide a community facility is considered to outweigh the identified harm.

Having due regard to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 permission should be granted.

#### Impact on neighbouring amenity

##### *Farthingworth and 1 and 2 Orchard Cottages*

The proposed replacement community hall would be located forward of the existing building, resulting in a two storey built form being located closer to the front boundary and consequently closer to the properties directly opposite the site. The proposed building due to its design and maximum building height of 8.5m with the building line staggered would not result in a form of development that is unduly dominant or overbearing to the neighbouring occupants. Whilst two windows are proposed within the front elevation at first floor height, due to the relationship and separation to the properties on Cranmore Lane it would not give rise to an unacceptable loss of privacy or overlooking.

##### *Ashwood and Nettleship*

The rear gardens of Ashwood and Nettleship back onto the existing public footpath running the depth of the site. One first floor window is proposed within the side elevation of the community hall. This is set away from the eastern boundary and would be a sufficient distance from the rear boundaries of the neighbouring residential properties. Scope exists for additional planting within the site to mitigate the development. No unacceptable loss of privacy is identified from the proposed first floor window.

##### *Cranmore cottages*

Plot 4 is orientated with its front door to front the access drive, resulting in the 'side' elevation identifying as the front elevation with a double frontage appearance, first floor windows set part within the eaves as pitched roof dormer windows. Three first floor windows are proposed within the first floor facing elevation. One of which serves a bathroom. The other two windows are each secondary windows to two bedrooms. In the interests of preserving privacy and mitigating against unacceptable overlooking into the rear garden areas of 2 and 3 Cranmore Cottages it is considered reasonable to condition the first floor side elevation windows to be obscure glazed.

##### *Britains Farm development*

Plot 5 of the Britains Farm development is shown to be located to the west of the southern part of the application site. Plot 2 of the proposed development would be staggered back from the rear building line of the neighbouring development. However in observing the 45 degree angle from the rear windows it would not result in an unacceptable loss of light. Furthermore the mature tree boundary within the ownership of Britains Farm would maintain a significant screen between the developments. One first floor window is shown to be located in the facing side elevation of plot 2, serving the internal staircase.

During the winter months this has the potential to give rise to views into the neighbouring garden area. A condition is recommended to secure the window to be obscure glazed.

*20 The Street development*

Located directly to the south of the application site lies the recently granted permission for 23 dwellings accessed via 20 The Street. On the submitted coloured layout the proposed development is shown in relation to the surrounding approved schemes. Plot '20' is set side on to the southern boundary of the application site. Plot 2 would face towards the side elevation of plot 20, with plot one in the main facing the side of the rear garden afforded to plot 20. Adequate separation would be provided to the rear boundary to ensure no unacceptable detrimental impact on residential amenity would arise.

*Impact on neighbours from the use of the community facility.*

The existing hall has been able to operate to provide a community facility. Indeed some representations refer to the noise it generated. Whilst the hall may not have been used to its maximum potential it could have operated within the hours of its licence. The proposal in redeveloping the hall provides an opportunity to restrict hours of use and in assessing the proposal Environmental Health officers have commented.

The Environmental Health officer following the submission of details for the acoustic fencing to the south and east of plot 1 has confirmed that provided the specification is met, this is sufficient to achieve desirable noise levels in the residential garden to protect from noise from the adjacent MUGA pitch. Environmental Health officer concern was raised during the previous application regarding noise from events in the hall and the potential impact on the surrounding residential properties. Since the previous application the layout of the site has changed with changes including the positioning of the hall, the internal layout and the car park. The revised layout of the hall and the proposed construction is sufficient to overcome the previous concerns raised. Subject to the recommended mitigation measures being implemented the surrounding residential properties would be sufficiently protected from noise outbreak from the use of the hall. These measures include the non lobbied door into the function room achieving Rw30 dB ad, and the closure of windows and the non lobbied door during noisy events.

Whilst noise nuisance is covered under separate legislation, the potential impact of a use on residential amenity is a planning concern. The Environmental Health officer is satisfied that subject to the recommended mitigation measures being implemented the amenities of surrounding and proposed residential properties would be protected.

A Daylight and Sunlight report has been provided confirming that the proposed development would maintain high levels of daylight and sunlight in excess of BRE guidelines to Farthingworth, 1 & 2 Orchard Cottages, Nettleship, Ashwood and 1-4 Cranmore Cottages.

Subject to conditions the development would not give rise to unacceptable harm to the residential amenities of neighbouring occupants.

Highway/parking considerations

Ten parking spaces (including one disabled bay) are provided for users of the hall. Each dwelling is provided 2 parking spaces in accordance with the maximum parking standards. These are located to the side of each dwelling in a tandem layout. The proposed parking would not form a dominant feature within the streetscene and would not conflict with WH2 (ix) of the WHNP.

A footpath link is provided to the existing footpath running north south. The development proposes a link within the site to the existing footpath. The site is in a sustainable location with pedestrian and public transport links in the immediate vicinity of the site, with bus stops located on The Street and on The Epsom Road.

The County Highway Authority have advised that the swept path analysis shown on the Transport Statement (drawing no. 8200215/6201 is satisfactory. The Highway Authority have highlighted that the footpath (footpath 91) should not be obstructed at any time during or after the completion of the works. The Highway authority have suggested a number of conditions in addition to informative's should the existing access require modification. Conditions include a Construction Transport Management Plan.

The Highway Authority in referring to the predicted number of trips provided does not consider that the development will result in a significant increase in vehicular trips on the surrounding highway network.

No objection is raised on parking or highway safety grounds.

Impact on ecology and biodiversity  
Surrey Wildlife Trust have advised

An extended Phase 1 ecology survey has been submitted with the application. Survey work was carried out in May 2020 in addition Bat dusk emergence surveys were carried out on the 8th and 22nd June 2020 . This has found that the site generally offers limited opportunities for protected species due to the well managed habitats present. A single Common Pipistrelle and two Soprano Pipistrelle were recorded roosting within the existing community hall building. A mitigation licence will therefore be required prior to demolition and appropriate mitigation measures employed. The survey advises that replacement roosting opportunities will be provided within the new development.

A number of mitigation measures are proposed within the report including sensitive lighting.

The survey also identifies the boundary hedgerow (western boundary) as a priority habitat and to be retained, with new native hedgerow planting proposed at site boundaries including bolstering the existing western hedgerow boundary. The survey identifies the opportunity to secure net biodiversity gains, including additional native hedgerow and tree planting, new roosting opportunities for bats and more diverse nesting habitats for birds.

Surrey Wildlife Trust has been consulted and recommends a condition to ensure the development is carried out in accordance with the mitigation measures proposed in the accompanying Ecological Survey.

Subject to conditions and the applicant securing a bat license it is considered that the proposal will not have an adverse impact on ecology and biodiversity.

Impact on trees and vegetation

An arboricultural report by Tree Fabrik accompanies the application. This identifies a total of 22 individual trees, 1 group and 5 hedgerows within and directly adjacent to the sites boundaries. Of these 7 are category 'B' trees, 20 category 'C' trees and hedgerows and 1 category 'U' group. Of which 1 category 'C' tree and 1 'category 'U' group are proposed to be removed.

The arboricultural report states that provision has been made for the planting of 7 new trees and a linear hedgerow within the development.

A strong tree boundary exists just outside and along the western boundary of the application site.

A condition is recommended to secure the protection and retention of on and off site trees and hedgerow during both demolition and construction phases to ensure the longevity of the trees and hedgerow.

No objection is raised subject to a suitably worded condition.

#### Impact on surface water flooding

The site is located in flood zone 1. The application is accompanied by a Flood Risk and Drainage Statement by Glanville. The site is considered to be at very low risk from all sources of flooding with the exception of surface water flooding. The report identifies the site being at very low risk of surface water flooding with the exception of a very small area to the west, identified at low risk of surface water flooding. The report includes a surface water drainage strategy to mitigate any potential surface water flooding. Thames Water have raised no objection to this approach.

#### Sustainability

Policy D2 of the LPSS supported by the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020 sets out the sustainability requirements for development. Policy D2 requires new buildings to achieve a reduction in carbon emissions of at least 20% measured against the TER, through energy efficiency, fabric improvements and low carbon or renewable technologies. As a minor application whilst full energy and sustainability statements are not required, the submission is required to be accompanied by adequate energy information and proportionate sustainability information, (policy D2 paras 3 and 11).

The application is accompanied by a Energy Strategy Report by Blue Sky limited dated 24th February 2021. This includes SAP calculations for the dwellings and a BRUKL calculation for the hall.

Photovoltaic panels are proposed to the roofs of the dwellings a total of 14 x 330W photovoltaic panels dispersed as three panels to plots 3 and 4, and four panels to plots 1 and 2.

The energy statement states the development adopts a be lean, be green approach, with a fabric first approach.

#### *20% carbon reduction*

The hall does not achieve a 20% carbon reduction, falling just short at 18.23%.

Whilst the dwellings will have solar power installed to deliver a carbon saving across the site of 21.09% this doesn't identify how each dwelling will perform individually. The carbon reductions through energy efficiency appear to be lower than expected. Notwithstanding this it is noted that the air tightness and fabric u-values appear acceptable, clarification has therefore been sought on their carbon reductions to be achieved through energy efficiency.

Policy D2 requires the submission of adequate information to demonstrate and quantify how proposals comply with the energy requirements of Policy D2. Based on the submitted information the scheme does not meet the requirements of policy D2.

Water efficiency measures proposed to achieve a water use of less than 110 litres per day per person .

To ensure compliance with Policy D2 a condition is recommended.

**Waste**

The applicant has not submitted and details of waste management to address matters in relation to minerals efficiency, waste reduction and the prioritisation of reuse and recycling for waste material, which is a requirement of policy D2 and guidance set out in the Council's Climate Change, Sustainable Design, Construction and Energy SPD. Further details shall therefore, be secured by condition.ended.

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

The application site is located within the 5-7km buffer zone of the TBHSPA. Only large scale residential development over 50 net new dwellings that fall between 5 and 7 kilometres of the SPA may be required to provide avoidance and mitigation measures, which is assessed on a case-by-case basis and agreed with Natural England. As the proposal is for four new residential units within the 5-7km buffer zone, there is no avoidance or mitigation required.

**Ope**

**Legal agreement requirements**

None

**Balancing**

The current community hall facility has deteriorated to a point that the principle of its demolition and replacement is accepted. The applicant has advised the housing is required to fund the delivery of the replacement hall. The proposed replacement facility whilst of smaller footprint would provide an up to date community facility benefiting both the existing and expanding village. It would replace the current structure that has undergone a number of extensions over the passage of time. The retention of a community facility is afforded weight in the balance. Net increase of 4 dwellings, afforded weight in the balance. Impact on the Conservation Area from suburban design and layout afforded some harm.

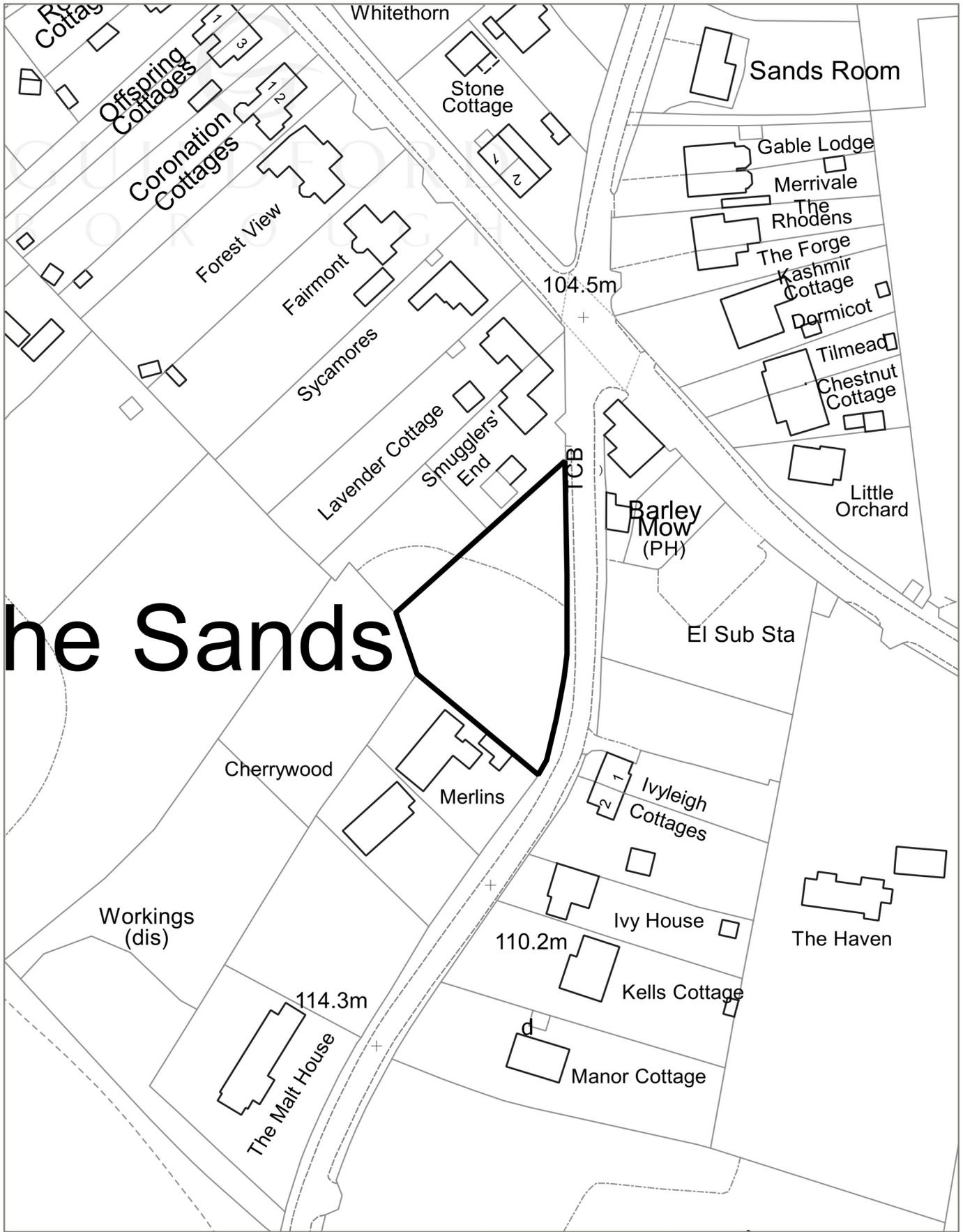
The harm identified would be outweighed by the benefit of re providing a modernised community facility.

**Conclusion.**

The benefit of replacing the existing community facility within a new building would be a significant community asset, this represents a public benefit which would outweigh the harm identified to the heritage asset. The proposal would provide 4 smaller family homes contributing to meeting the Borough's housing need. The proposal subject to conditions would accord with the relevant local plan polices, West Horsley Neighbourhood Plan policies and the NPPF.

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# 21/P/00535 - Land Between Smugglers End And Merlins, Smugglers Way, The Sands, Farnham



# The Sands

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Print Date: 25/08/2021



**21/P/00535 – Land between Smugglers End and Merlins, Smugglers Way  
The Sands, Farnham**



Not to scale



**App No:** 21/P/00535 **8 Wk Deadline:** 09/09/2021  
**Appn Type:** Full Application  
**Case Officer:** Becky Souter  
**Parish:** Seale **Ward:** The Pilgrims  
**Agent :** Mr M. Conoley **Applicant:** Mr M. Keane  
Michael Conoley Associates MPK Farnham Ltd  
The Old Forge Sherwood House  
The Green 41 Queens Road  
Elstead Farnborough  
GU8 6DD GU14 6JP

**Location:** Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, GU10 1LW  
**Proposal:** Erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.

### **Executive Summary**

#### **Reason for referral**

The application has been called to the planning committee by Councillor Tony Rooth on the basis that the proposed development would not constitute 'limited infilling' in the Green Belt, would be out of scale and character with other properties in the surrounding area and would result in detrimental impact on residential amenities of the adjacent neighbouring properties contrary to policies P2 and D1(1) of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and policy G5 of the Local Plan 2003.

#### **Key information**

The application site relates to a parcel of land located to the south of Smugglers' End and to the north of Merlins in the centre of The Sands Village.

It lies within the Green Belt and forms part of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value.

The site is within the 5 - 7 km buffer zone of the Thames Basin Heaths Special Protection Area.

The proposal is for the erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.

#### **Summary of considerations and constraints**

The application site is in close proximity to the village amenities, including the Barley Mow Public House and The Sands Village Hall. Therefore, owing to its proximity to the built up area of the village and the village amenities, it is considered that the site could reasonably be part of the village of The Sands.

The application site features residential development to both sides of the plot and opposite is the site of the Barley Mow and another residential property. The residential development to the north of the site is part of a continuous linear frontage which runs along Smugglers Way and Sands Road. The proposal would further extend the continuous linear stretch of development by connecting the built development to the south-west of the site with that of the north/north-west.

As a result of the positioning of the site and the surrounding built form and associated curtilage, the only part of the site which borders land devoid of any development is therefore the western edge. This is only a small section of the site and owing to its surroundings the plot is found to be substantially surrounded by built development. Therefore, the proposal represents limited infilling within a village.

The proposed building would be two storeys in height and would reflect the footprint and surrounding pattern of development. The ground level rises gently to the south and south-west and as a result of this and the height of the dwelling, the proposal would not exceed the ridge height of neighbouring Merlins but would instead occupy a position which creates a gradual step up in building heights from north to south.

The design and materials would blend with the surrounding dwellings and as such the resultant dwelling would be respectful to its surroundings and in keeping with the character of the area.

The site is of limited visibility from wider vantage points and would be located within a predominantly residential area surrounded by other built development and, as such, the proposed development would have not any materially harmful impact on the special landscape character of the AONB or AGLV.

As a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on the adjacent neighbouring properties, Smugglers' End and Merlins.

The proposal would also provide adequate living environment and would not result in detrimental impact on highways, parking or trees. Lastly, the proposal will incorporate rainwater harvesting, permeable driveway and parking area and all surface water will be discharged to soakaways.

Therefore, the application is recommended for approval subject to conditions.

### **RECOMMENDATION:**

#### **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: 1533/S-01; 1533/S-02; 1533/S-03; 1533/P-02; 1533/P-03; 1533/P-04; 1533/P-05; 1533/P-06 and 1533/P-07 received on 12/03/2021 and amended plan 1533/P-01B received on 13/07/2021.

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 until an updated Arboricultural Impact Assessment and Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

4. No above slab level works shall take place until a scheme to enhance the biodiversity of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

5. Prior to any above slab works, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed in line with the energy hierarchy, following a fabric first approach, 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.

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Smugglers Way has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 1533/P-01A, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

7. 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 plan, Drawing No. 1533/P-01A, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

8. The development hereby approved shall not be occupied unless and until the dwelling is 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 drawing 1533/P-01B, it shall thereafter retained and maintained for its designated purposes.

Reason: In the interests of sustainability.

9. The first floor windows in the northern elevation of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows 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.

10. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In the interests of visual and/or residential amenity.

11. The development shall be carried out in accordance with the approved materials as specified in the Proposed External Building Materials Schedule, reference 1533, dated July 2021, received on 13/07/2021.

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

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

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

13. The development shall be carried out in accordance with the details of the submitted Sustainability and Energy Statement, reference 1533, dated July 2021, received on 13/07/2021.

Reason: In the interests of sustainability.

**Informatives:**

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

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

In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
3. Surrey County Council Highways Informatives

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149). The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

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 relates to a parcel of land located to the south of Smugglers' End and to the north of Merlins in the centre of The Sands Village. It lies within the Green Belt and forms part of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. The site is within the 5 - 7 km buffer zone of the Thames Basin Heaths Special Protection Area.

### **Proposal.**

Erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.

### **Relevant planning history.**

None relevant.

## **Consultations.**

### Statutory consultees

County Highway Authority:

The proposed development has been considered by the Highway Authority who have assessed the application on safety, capacity and policy grounds and has raised no objection. Conditions regarding visibility splays, parking, EV charging and cycle storage are recommended. The following comments were also made by the Highway Authority:

- All costs associated with relocation of existing street furniture if required, must be met by the applicant.
- Swept path analysis from the access provided is satisfactory.
- Existing vegetation must be maintained at all times to ensure good visibility is achieved from the proposed access to site.
- It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network.

Thames Water: No response.

### Non statutory consultees

CPRE Surrey: Objection.

- The application cannot be regarded as appropriate limited infilling with the meaning of the policy as included in the adopted Local Plan.
- It is unacceptable and inappropriate in terms of the Green Belt policy. The policy of allowing some limited infilling in specified villages in the Green Belt cannot outweigh the other policies of constraint in the Local Plan that seek to protect nationally important designated countryside.
- Policies introduced under NPPF, to allow some limited small infilling must be considered on a case by case basis and within the context of the overall purpose and importance of preserving the openness and permanence of the Green Belt.
- Very special circumstances will need to be found in order to outweigh the harm to the Green Belt and other harms if permission is to be lawfully granted.
- The development will have an adverse impact on the character of the village and sense of openness that this grassy open plot affords.
- The local environment will be adversely affected by the loss of pasture land, trees, habitat and peace and tranquility.
- There is no case that the harms will be outweighed by the benefits of allowing these buildings in the setting of this village in the Surrey Hills.
- Making way for a large house is not serving the needs of local people, crying out for affordable housing.

Surrey Hills AONB Officer: Objection.

- The open grassland nature of the site with a few good trees allows short distance views through to the higher landscape beyond.
- The undeveloped character of the site provides a pleasant setting to the Barley Mow Public House when seen from the nearby junction of Smugglers Way, The Green, and Sands Road (also shown as Littleworth Road). The site provides for this nationally protected landscape to flow into the village making a significant positive contribution to its attractive character.

- The proposed house being larger than its neighbours, located closer to the lane than others on this side of the lane and on slightly rising ground would form a dominant visual feature in this part of the village. Other larger dwellings in places along this side of the lane and further along opposite tend to be set further back from the lane behind verdant frontages thereby reducing their visual impact. The exception are the traditional smaller cottages on the opposite side of the lane immediately to the south east.
- The view of the development would not be restricted just from Smugglers Way but would be gained also from the road junction to the north. However, the impact on the AONB would be localised and would not affect the wider AONB landscape. With the well wooded nature of the Surrey Hills AONB that is often the case with many development proposals but if considered to be a justification for development would be capable of being repeated too often for the integrity of the AONB.
- When initially I looked at the submitted site plan and having seen photos I considered there might not be a justification for recommending refusal on AONB grounds. However, only from my site visit did I gain a proper appreciation of the setting and the impact of the proposed development. If notwithstanding the above AONB concerns decision makers are still inclined towards granting permission I suggest a proper assessment can only be made from a site visit. [Officer note: The Planning Officer has visited the site and assessed the proposal with a full understanding of the context of the site.]

#### Internal consultees

Environmental Health Officer: No objection.

#### Parish Council

Seale and Sands Parish Council: Objection.

- Site is in the Green Belt, AONB and AGLV where there is a presumption against development.
- Site lies within the Thames Basin Heaths Special Protection Area.
- The parish is not identified in the new Local Plan as having any development requirement and as such no previous approval has been given for this type of potential infilling to take place. [Officer note: This does not preclude the parish from any development and applications cannot be refused for this reason as it does not mean that an application is unacceptable in principle.]
- The density of the new dwelling and garage is totally out of keeping with the surrounding properties.
- It would dominate the street scene and result in a loss of openness.
- It would adversely affect views from neighbouring gardens. [Officer note: This is not a material planning consideration.]
- The size and street facing elevation of the proposed property is completely out of keeping.
- Trees have been felled on site before permission was granted.
- Harmful impact on surface water issues due to loss of trees and open grassland.
- Proposal is a change of use.
- Construction would cause major disruption.
- Permission would set a precedent for future infilling development. [Officer note: All planning applications are determined on their own merits and any future applications for limited infilling within the village would not necessarily be approved solely because permission were granted for this dwelling.]

**Third party comments:**

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

- The dwelling is too large for its setting.
- Only one dwelling should be permitted and this restricted by condition.
- There should be minimal disturbance when the property is being built.
- Hedges to form screening between the proposed dwelling and 'Merlins' should be planted.
- The plot has only one access route which is on to a quiet and narrow no through road which is used for public access to woodland. Construction site will impair access. [Officer note: SCC Highways are content with the proposal.]
- The AONB will be blighted.
- The proposal would overlook neighbouring properties.
- No change of use has been applied for and it is agricultural land.
- Would destroy a green highway link for wildlife.
- It is not 'limited infilling', not a small gap.
- Fails to comply with various elements of NPPF and P1 as detailed by AONB Officer and CPRE.
- It will block the view of Crooksbury Hill for many other properties in the vicinity.

**Planning policies.**

National Planning Policy Framework (NPPF), 2021:

Chapter 5: Delivering a sufficient supply of homes.  
Chapter 8: Promoting healthy and safe communities.  
Chapter 9: Promoting sustainable transport.  
Chapter 11: Making efficient 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.  
Chapter 15: Conserving and enhancing the natural environment.

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

H1: Homes for all.  
P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value.  
P2: Green Belt.  
P5: Thames Basin Heaths Special Protection Area.  
D1: Place shaping.  
D2: Climate change, sustainable design, construction and energy.  
ID3: Sustainable transport for new developments.  
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  
NE5          Dev. Affecting Trees, Hedges & Woodlands

Supplementary planning documents:

National Design Guide (NDG), 2019.  
GBC Maximum Vehicle Parking Standards, 2006.  
Residential Design Guide, 2004.

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development and the impact on the green belt
- change of use
- the impact on the character of the area
- living environment
- the impact on neighbouring amenity
- the impact on highways and parking
- the impact on trees and vegetation
- the impact on operational services
- sustainability
- biodiversity

The principle of development and the impact on the green belt

The application site is located within the green belt and outside the identified settlement area of The Sands. The NPPF attaches great importance to the Green Belt and the construction of new buildings is regarded as inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 sets out a number of exceptions to this which include 'limited infilling in villages', the LPSS sets out further criteria related to the assessment of whether a proposal constitutes limited infilling. For the purposes of policy P2 limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

Policy P2 of the Local Plan, 2015-2034, sets out that limited infilling may be appropriate in the certain specified villages, where it can be demonstrated that the site should be considered to be within the village. This includes the village of Seale.

*Is the site within a village?*

The application site is in close proximity to the village amenities, including the Barley Mow Public House and The Sands Village Hall. The site is opposite the Barley Mow access and the village telephone box and defibrillator. The Sands Village Hall is approximately 100 metres from the proposed infill plot. The proposed site access would be under 30 metres from the closest section of public footpath linking the village. Therefore, owing to its proximity to the built up area of the village and the village amenities, it is considered that the site could reasonably be part of the village of The Sands.

*Is the site substantially surrounded by built development?*

The application site features residential development to both sides of the plot and opposite is the site of the Barley Mow and another residential property. The residential development to the north of the site is part of a continuous linear frontage which runs along Smugglers Way and Sands Road. The proposal would further extend the continuous linear stretch of development by connecting the built development to the south-west of the site with that of the north/north-west. As a result of the positioning of the site and the surrounding built form and associated curtilage, the only part of the site which borders land devoid of any development is therefore the western edge. This is only a small section of the site and owing to its surroundings the plot is found to be substantially surrounded by built development.

Therefore, the proposal represents limited infilling within a village and is therefore considered to represent an appropriate form of development in the Green Belt. The proposal is found to be compliant with policy P2 of the LPSS, 2015-2034, and paragraph 149(e) of the NPPF, 2021.

The impact on the character of the area, AONB and AGLV

The National Design Guide sets out that well-designed development is influenced by local character and the characteristics of existing built form, and it is important to consider the composition of street scenes, the height, scale, massing and relationships between buildings, the scale and proportions of building and landscaping, both hard and soft. The proposal relates to the construction of a new detached 5 bedroom dwelling with detached garage and associated landscaping works. The site is currently comprised of vegetation, grass and trees with no built form. The boundaries are predominantly marked by stock fencing and vegetation. Whilst the site does not currently feature built form, it does sit between other residential development. The surrounding area is characterised by the rural nature with low density development which is well spaced and permits through views.

The majority of the boundary treatments that front Smugglers Way comprise mainly hedges made up of indigenous plants and therefore this treatment is reflected in the proposed design. This will help to create an attractive green boundary. The new access which is proposed to the south of the existing access will be in the form of a wooden 5-bar gate which will give a softer and more attractive appearance but still in-keeping with the rural theme, the existing metal gate would be removed and vegetation planted in its place to add to the green buffer at the front of the site.

The proposed building would be two storeys in height and would reflect the footprint and surrounding pattern of development. The ground level rises gently to the south and south-west and as a result of this and the height of the dwelling, the proposal would not exceed the ridge height of neighbouring Merlins but would instead occupy a position which creates a gradual step up in building heights from north to south.

The Design and Access Statement sets out that the palette of materials utilised on surrounding houses is as follows:

- Walls: Stone, render, tile hanging, timber, composite cladding, brick
- Roofs: Cedar shingles, grey slates, concrete roof tiles, clay roof tiles

The proposed design would have the following material palette:

- Roof: Red/brown clay tiles
- Walls: A mixture of random rubble stone and second hand bricks
- Windows: A combination of oak framing and Crittal style black polyester powder finished aluminium
- Special features: Oak framing and struts

The design and materials would blend with the surrounding dwellings and as such the resultant dwelling would be respectful to its surroundings and in keeping with the character of the area.

The site is of limited visibility from wider vantage points and would be located within a predominantly residential area surrounded by other built development. As a result of these factors and the appropriate scale, design and vegetative boundary treatment, it is not considered that the proposal would have any materially harmful impact on the character of the immediate surrounding area or the special landscape character of the AONB or AGLV.

The AONB Officer has made comments regarding the proposal and raises concern following his site visit, having previously considered that there might not be justification for refusal on AONB grounds. The Officer sets out that: "the house design is not unattractive in itself but its size and the bold extensive glazing on the frontage would reinforce its visual presence in the village scene. It would be higher than many others, some of which are single storey. The open grassland with sporadic trees would change in character not just from the presence of the proposed house but through there being the attendant paraphernalia, including parked vehicles close to the lane and a domestic garden with possibly structures. The landscape which currently tends to dominate the buildings would change in character, to its detriment." It is concluded by the AONB Officer that the impact on the AONB would only be localised and would not affect the wider AONB landscape. Whilst the AONB Officer is a consultee, it is for the Local Planning Authority to make a judgement on the advice and in this case Officer's do not feel that there would be a material impact from the scheme which is able to warrant refusal. This decision is made on the basis of the proposed location, design and positioning of the dwelling and its surroundings, further the AONB Officer concludes in his view that any harm would only be localised and considering the limited visibility of the site in longer AONB views, the proposal is found to be acceptable in this regard.

The proposal is found to be compliant with policies D1 of the LPSS, 2015-2034, and G5 of the saved Local Plan, 2003, and the requirements of Chapter 12 of the NPPF, 2021, the National Design Guide, 2019, and the Residential Design Guide, 2004.

### Living environment

Policy D2 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 construction of a 5 bedroom, two storey dwelling. The standard requires 128 square metres of floor area for a 5 bedroom, 2 storey, 8 person, dwelling. The proposal would well exceed this requirement.

The standard also sets out dimensional requirements in respect of bedroom sizes, double bedrooms must be at least 11.5 square metres in area and one double must be at least 2.75 metres wide with every other double at least 2.55 metres wide. Single bedrooms must be at least 7.5 square metres in floor area and at least 2.15 metres wide. The proposed dwellings comply with these dimensional requirements. The floor plans show appropriate room sizes for their intended use and adequate outlook.

The proposed garden area would be adequate in terms of outdoor amenity space.

The proposal is found to be acceptable in this regard.

#### The impact on neighbouring amenity

The closest neighbouring properties are Smugglers' End and Merlins.

Smugglers' End is the immediate neighbouring property to the north of the application site. The dwelling would be located, at the closest point, over 8 metres from the shared boundary which consists of substantial mature vegetation. There would be two small first floor windows in the northern side elevation of the dwelling, these would serve as a window for the second bedroom en-suite and a secondary window to the master bedroom. As a result of their function and positioning, it is considered appropriate to condition that these windows are obscure glazed. As a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on this neighbouring dwelling.

Merlins is the immediate neighbouring property to the south-west of the application site. The dwelling would be over 20 metres from the common boundary which is a significant separation distance and will mitigate any impact on this neighbour. Further no side windows are proposed in the south-western elevation of the proposed dwelling. The boundary treatment between these properties would consist of vegetation. Therefore, as a result of the separation distance, positioning, design and boundary treatment, the proposal would not have any unacceptable impact in terms of loss of light, loss of privacy or overbearing impact on this neighbouring dwelling.

Therefore, the proposal is compliant with policy G1(3) of the saved Local Plan, 2003, and the requirements of the NPPF, 2021.

#### The impact on highways and parking

The proposal would provide parking off road for three vehicles, one space being within the detached garage and two available on the driveway. The garage would be of sufficient scale, measuring 6x3m internally, this allows for the parking of a vehicle and cycle storage. The parking provision would be compliant with the Council's Parking Standards which require two vehicle parking spaces per dwelling.

The County Highways Department has reviewed the application in terms of highway safety and capacity and have raised no objection. The applicant has provided information which demonstrates that there is space within the site for all vehicles to manoeuvre so that they can enter and leave the site in forward gear.

Therefore, the proposal is found to be acceptable in this regard, and compliant with policy ID3 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

#### The impact on trees and vegetation

The application site is located in an area which has a rural character, the site features a number of trees and mature vegetation. The Council's Arboricultural Officer has visited the site and whilst it was identified that a small number of trees which formed part of the tree survey report have been removed prior to development.

However, the Arboricultural Officer considers that whilst they would have had aesthetic benefit, they looked to have some decay so their loss would not have been objectionable. An updated Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan should be submitted prior to the commencement of development, therefore, a condition will be added in this regard.

Therefore, subject to conditions, the proposal would be compliant with policy NE5 of the saved Local Plan, 2003, and the requirements of Chapter 15 of the NPPF, 2021.

#### The impact on operational services

The dwelling will be provided with sufficient bin storage to the side of the property, bins will be able to be presented for kerbside collection.

Therefore, the proposal is found to be acceptable in this regard, and compliant with policy D1 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

#### Sustainability

The sustainability measures are set out in the Sustainability and Energy Statement, dated July 2021, this details that the development will achieve the carbon emissions reduction through:

- Rainwater harvesting to supply water for garden watering and general outside use such as car washing,
- Extensive use of low energy lighting,
- The dwelling will be fitted with shower save systems,
- A standard of thermal insulation higher than that required by the current building regulations,
- The dwelling will be fitted with an Air Source Heat Pump to serve the heating system, and
- The dwelling will have a whole house ventilation system with heat exchanger.

Conditions will be added to cover submission of reports and calculations to demonstrate compliance with the 20% carbon emissions requirement and water efficiency target.

Therefore, the development is found acceptable in this regard and would be compliant with policy D2 of the LPSS, 2015-2034, and the requirements of the NPPF, 2021.

#### The impact on flooding

A number of third party comments make reference to potential for the proposal to exacerbate existing flooding in the area. The Environment Agency has designated this site to lie within an area which is at low risk from surface water flooding. The Design and Access Statement states that the proposals will incorporate rainwater harvesting, permeable driveway and parking area and all surface water will be discharged to soakaways.

Therefore, the proposal is found to be acceptable in this regard.

#### Biodiversity

Policy ID4 of the LPSS requires a improvements in biodiversity to be achieved on a site, the supporting Design and Access Statement sets out mitigation in terms of bats and that bird boxes would be delivered. However, further commitments are required to ensure biodiversity enhancements and net gain, therefore, the submission of a detailed biodiversity enhancement strategy will be conditioned.

The proposal is compliant with policies ID4 of the LPSS, 2015-2034, NE4 of the saved Local Plan, 2003, and the requirements of the NPPF, 2021.

**Conclusion.**

The proposal is found to represent appropriate development within the green belt, have a design which respects the surrounding area and the special landscape character of the AONB and AGLV, have an acceptable living environment for occupants, cause no materially harmful loss of light, loss of privacy or overbearing impact to neighbouring properties, present no highway safety or capacity issues and provide a sufficient, standard compliant, level of parking. Further there would be no adverse impact on trees or vegetation or operational services. The development would provide sustainable measures and will deliver biodiversity enhancement on the plot. The application is compliant with both local and national planning policy and is, therefore, recommended for approval.

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**Planning Committee**

**8 September 2021**

**Planning Appeal Decisions**

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher ([sophie.butcher@guildford.gov.uk](mailto:sophie.butcher@guildford.gov.uk))

<p>1.</p>	<p><b>Mr and Mrs De Speville</b></p> <p><b>8 Blackwell Avenue, Guildford, Surrey, GU2 8LU</b></p> <p><b>20/P/00996</b> – The use for which a certificate of lawful use or development is sought is the change of use from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The change of use of the dwelling from a use within Class C3 (dwellinghouses) to a use within Class C4 (houses in multiple occupation) would normally comprise permitted development under Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, the Council suggest that the change of use would not be lawful until they have granted approval under Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) confirming that the proposed development would not adversely affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).</li> <li>• The main issue in this appeal is whether the Council's decision to refuse to grant the LDC for this reason was well-founded.</li> <li>• The site is located within 5km of the TBHSPA, the zone of influence, where the Avoidance Strategy sets out that some forms of development would have a significant effect on the integrity of the TBHSPA in combination with other plans or projects.</li> <li>• Paragraphs 2.10 and 2.14-2.15 of the TBHSPA Avoidance Strategy 2017 Supplementary Planning Document (the Avoidance Strategy) suggest development that can have a significant effect on the integrity of the TBHSPA include houses in multiple occupation.</li> <li>• In this case, the proposal would contain six bedrooms and the Avoidance Strategy makes a clear assumption that this would accommodate an additional person beyond the numbers in an equivalent dwellinghouse. These assumptions are not backed up by evidence as the Avoidance Strategy states that occupancy data for homes larger than five bedrooms is not available.</li> <li>• However, taking into account the precautionary principle, it is not an unreasonable assumption and no evidence has been presented to dispute</li> </ul>	<p><b>DISMISSED</b></p>
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	<p>it. I understand that Natural England agreed the Avoidance Strategy prior to adoption. On that basis, the Avoidance Strategy assumes there is likely to be a significant effect in combination with other plans or projects.</p> <ul style="list-style-type: none"><li>• consider it is likely that there would be a significant effect on the TBHSPA, either alone or in combination with other plans or projects, such that approval is required under regulation 77 of the Habitats Regulations. As no approval has been given under that regulation, the change of use of the property from use class C3 (dwellinghouses) to use class C4 (houses in multiple occupation) cannot comply with the requirements of article 3(1) of the GPDO. Consequently, such a change of use cannot be lawful.</li><li>• For these reasons, I conclude that the Council's decision to refuse to grant the LDC was well-founded.</li></ul>	
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