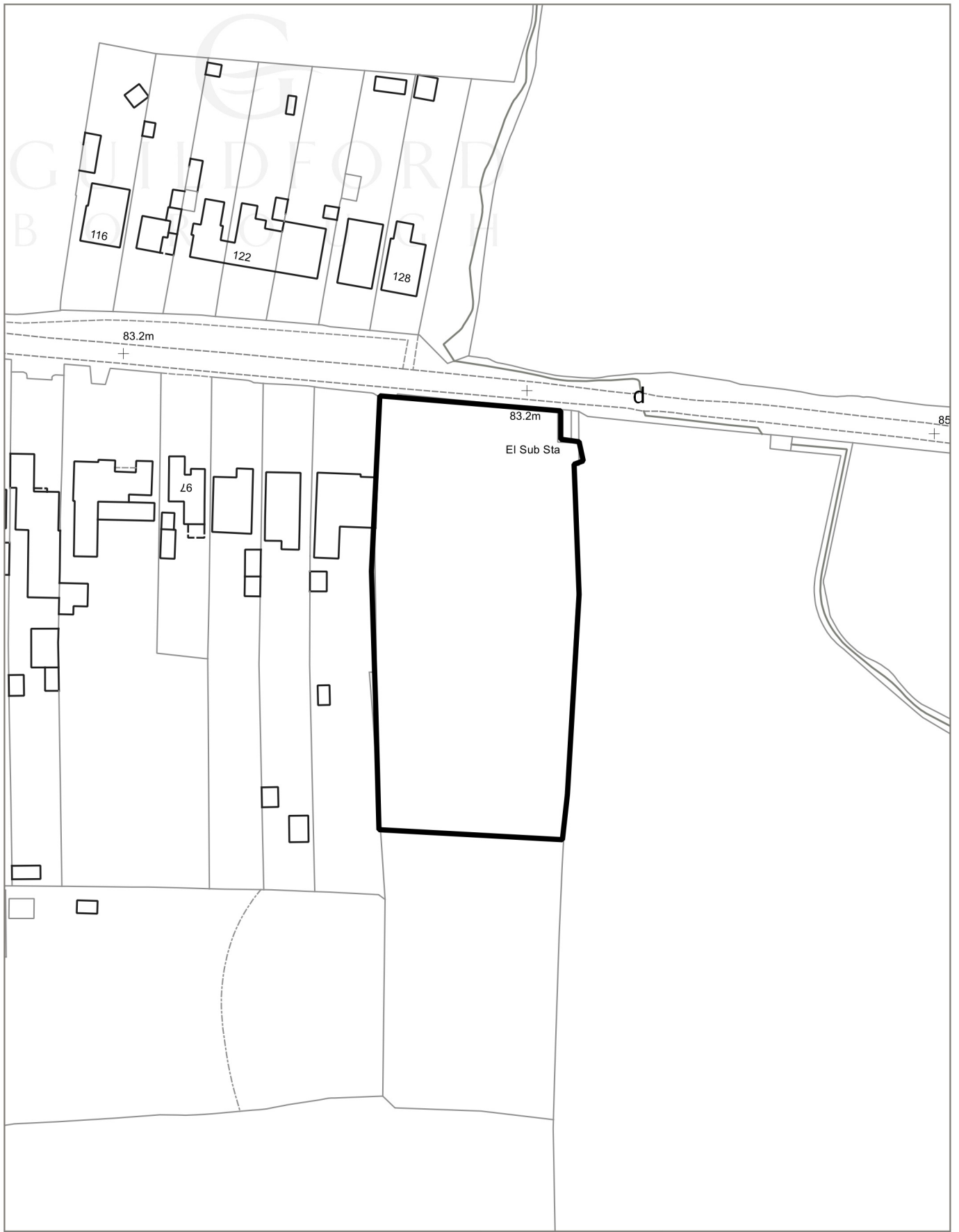


# 21/P/01135 - Aspen House, 107 Poyle Road, Tongham, Farnham



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Print Date: 24/09/2021



Not to Scale



GUILDFORD  
BOROUGH



**App No:** 21/P/01135  
**Appn Type:** Full Application  
**Case Officer:** James Overall

**8 Wk Deadline:** 24/09/2021

**Parish:** Tongham  
**Agent :** Mr Whittall  
Archatech Ltd  
1 Jersey Cottages  
Long Common  
Shamley Green  
Guildford  
GU5 0TG

**Ward:** Ash South & Tongham  
**Applicant:** Mr Stone  
Amiga Homes  
Broadway Farm House  
Broadway Lane  
lovedean  
Waterlooville  
PO8 0SJ

**Location:** Aspen House, 107 Poyle Road, Tongham, Farnham, GU10 1DY  
**Proposal:** Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawings AR07 rev D, AR08 rev D, AR09 rev A, as approved to be replaced with AR 07 rev F, AR08 rev E, AR09 rev B as built, to allow for minor variation to road alignment (retrospective 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:

AR 0S (Location Plan)  
AR00 (Site Plan Existing)  
AR06 (Elevation House Type 3)  
AR05 (Floor Plans House Type 3)  
526-LA-P-02 Rev B (Landscape Sketch & Proposals Plan)  
received on 13/11/2017;

AR11 (Elevation House Type 1)  
AR01 rev A (Floor Plan House Type 1)  
AR02 rev A (Elevation House Type 1)  
AR03 rev A (Floor Plan House Type 2)  
AR04 rev A (Elevation House Type 2)  
received on 12/01/2018;

AR07 rev F (Proposed Site Plan with Roof Profile)  
AR08 rev E (Proposed Site Plan)  
AR09 rev B (Proposed Site Plan with Context Elevation)  
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.

2. The hedge fronting Poyle Road, shown on the approved plans AR07 Rev F, AR08 Rev E & AR09 Rev B shall be cut/trimmed/maintained to ensure the vehicular access to Poyle Road has appropriate visibility splays with no sight obstructions over 1.05m high.

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

3. Parking/shared surface turning area hereby approved shall be retained and maintained for their designated purpose in accordance with approved plan AR08 Rev E.

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

4. Within three months of this decision notice, an amended surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The amended surface water drainage scheme shall be based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological conditions of the site and include timescales for the scheme's implementation, completion and maintenance. The amended scheme shall replace the Technical Note ref: Acl281/18-009 dated 26th March 2018; as this does not display the drain located within the grounds of Plot 5. The latest approved surface water drainage scheme shall thereafter be retained at all times in the future.

Reason: Due to breach of condition 5 of planning permission 17/P/02349, the surface water drainage condition is required again to ensure that the development can be adequately and sustainably drained. Whilst this would usually be a pre-commencement condition, given the application is retrospective, a three month time period is given for the information to be received.

5. The development hereby approved shall be carried out in accordance with the Section 5.1: Mitigation Measures of the Ecological Appraisal, prepared by Green Earth dated 4th November 2015 submitted under 15/P/02267, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the scheme is constructed in accordance with the mitigation measures proposed, to protect the ecological value of the site.

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

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

7. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

### **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 minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

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 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).

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

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

5. The developer is advised that as part of the detailed design of the highway works required by conditions related to this decision notice and/or the previous approval (17/P/02349), 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.

## **Officer's Report**

### **Site description.**

The site is located within an Area of Great Landscape Value (AGLC), lies on Countryside Beyond the Green Belt (CBGB) and lies outside the urban area of Ash and Tongham. The application site also lies within the 400m - 5km of a Special Protection Area (SPA).

The application site comprises a residential close, providing access to 7 dwellinghouses - six from 15/P/02267 & 17/P/02349; and one from 19/P/00795.

### **Proposal.**

The original proposal was a Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawing AR07 rev D, as approved to be replaced with AR 07 rev E as built, to allow for minor variation to road alignment (retrospective application).

After conducting a site visit, it was noted that the submitted plans were not a true representation of what was built. Amended plans were requested as well as additional plans for completeness of replacing previously approved plans, which displayed areas being amended. The description was therefore altered to:

Variation of Condition 1 (drawing numbers) of planning application 17/P/02349 approved 09/02/2018 for drawings AR07 rev D, AR08 rev D, AR09 rev A, as approved to be replaced with AR 07 rev F, AR08 rev E, AR09 rev B as built, to allow for minor variation to road alignment (retrospective application).

Amended plans were received on 13th July 2021.

### Relevant planning history.

Reference Number	Description	Outcome
GU/R 12071	Erection of 12 dwellings	Application Refused on 17 Oct-63
14/P/00560	Outline application for the demolition of existing dwelling and erection of four dwellings.	Application Refused on 19 Nov-14
14/P/02301	Outline application to consider access for the erection of four dwellings following demolition of existing dwelling.	Application Refused on 5 Feb-15 Appeal Allowed on 26 Aug-15
15/P/00693	Outline planning application for demolition of existing buildings and erection of three dwellings all matters reserved except access.	Application Refused on 8 Dec-15
15/P/02267	Outline planning application for demolition of existing buildings and erection of six dwellings all matters reserved except access (amended plans received on 28/01/2016).	Application Refused on 10 Feb-16 Appeal Allowed on 16 Aug-16
16/P/02332	Outline planning application for demolition of existing buildings and erection of nine dwellings all matters reserved except access.	Application Refused on 16 Feb-17 Appeal Dismissed on 8 Aug-17
17/P/02056	Outline application for erection of one dwelling (all matters reserved except access).	Application Refused on 27 Nov-17 Allowed at Appeal on 28 Sep-18
17/P/02349	Reserved matters application pursuant to outline planning permission 15/P/02267, granted on appeal on 16/08/2016, to consider appearance, landscaping, layout and scale in respect of the erection of 6 residential dwellings (amended plans received).	Application Approved on 9 Feb-18
19/N/00002	Non-material amendment to planning application 17/P/02349, approved on 09/02/2018 to amend the road layout within the site.	Application Approved on 5 Feb-19
19/P/00795	The erection of a single dwelling and associated works.	Application Approved on 20 Sep-19
21/N/00061	Non-material amendment to planning application 17/P/2349 approved on 09/02/18 for a minor modification to the road as approved to that as built.	Application Withdrawn on 24 May-21

Key

	Full plot
	Top and Middle parts of the plot
	Top part of the plot only
	This application relates
	Applicant: Mr. D Traylen   Agent: Bell Cornwell
	Applicant: Amiga Homes Ltd   Agent: Archatech

**Consultations.**

Statutory consultees

County Highway Authority:

Surrey County Council Highways Authority responded on 25th June 2021 on the originally submitted plans (which did not truly represent what was built) with the following comments: THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. The changes in road alignment do not affect the requirements of the access onto Poyle Road. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

After the reception of amended plans dated 13th July 2021, Surrey County Council Highways Authority responded on 16th August 2021 with the following comments: The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds. The changes in road alignment do not affect the requirements of the access onto Poyle Road. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Guildford Borough Council sought clarification from Surrey County Council Highways Authority to ensure that they had picked up on the amendment relocating the hedge closer to the road, thus potentially impacting the previously approved viability splays. It was highlighted that a number of third party comments had picked up on this entrance/exit being dangerous as they claim they cannot see down the road before pulling out.

Surrey County Council Highways Authority apologised for missing this amendment in the plans and subsequently visited the site to check. They requested their response dated 16th August 2021 was disregarded.

Given this is a retrospective application, Surrey County Council Highways Authority were able to view the new viability splays and as such submitted their latest consultation response on 2nd September 2021, which made the following comments: THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. The height of the hedging running along the front of the site has been reduced by the Applicant. Photographs showing this have been provided. The visibility at the access onto Poyle Road is now deemed to be acceptable. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.



On 7th September 2021 An e-mail from a third party was sent to Surrey County Council Highways Authority requesting their consultation response be retracted due to a disagreement regarding the visibility splays.

Guildford Borough Council sought clarification from Surrey County Council Highways Authority regarding this, and their response was as follows:

*"No further comments will be made on this application from us...[Surrey County Council Highways Authority] has dealt with the developer on the access concerns".*

Natural England:  
No comment to make.

Thames Water:  
No response was received.

#### Internal consultees

Head of Environmental Health and Licensing:  
No response was received.

Trees:  
No response was received.

#### External consultees

Surrey Wildlife Trust:  
No comment to make.

#### Parish Council

Tongham Parish Council:  
No response was received.

#### **Third party comments: .**

8 individual households have submitted letters of representations raising the following objections and concerns:

- Dangerous junction
- Design landscape and road access is not to the as built drawings submitted
- Inadequate parking and turning
- The road is also in awful condition full of potholes and very badly made
- Alteration reduces visibility
- There is a blind corner within the site
- Visibility splays are not in accordance with condition attached to 17/P/02349
- The tree planting within the site omits a number of trees and some of the trees which have been planted are planted in different positions
- The eastern boundary to the rear garden of Plot 1 has a close boarded fence in place of the approved post and rail fence and hedge planting
- The post and rail fence to the north-eastern boundary to Plot 5 has been omitted
- No hedge has been provided to the boundary of Plot 5
- Hedges to Plot 6 have been altered and part replaced with a close boarded fence
- Changes to the approved drainage details
- Changes have been made to the approved drainage scheme, including the provision of an attenuation tank within the garden of Plot 5

- The development would be harmful to the amenity of adjoining residents in breach of saved policy G1(3) the Guildford Local Plan 2003
- The proposal fails to satisfy paragraph 126 of the National Planning Policy Framework as it fails to achieve high quality and beautiful place
- Fails to satisfy paragraph 130 as it fails to provide good layout and appropriate and effective planting and a high quality of amenity for occupiers of the development
- The quality of the approved development has been significantly diluted by the changes made between permission and implementation contrary to paragraph 135 of the NPPF

## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 2	Achieving sustainable development
Chapter 4	Decision Making
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 15	Conserving and enhancing the natural environment

### South East Plan 2009:

NRM6: Thames Basin Heath Special Protection Area

### Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 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).

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%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S1	Presumption in favour of sustainable development
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
ID1	Infrastructure and Delivery
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(3)	Protection of Amenities Enjoyed by Occupants of Buildings
G5	Design Code
NE5	Development Affecting Trees, Hedges & Woodland

### Neighbourhood Plans:

This application site does not lie within a Neighbourhood Plan Area.

### Supplementary planning documents:

Vehicle Parking Standards 2006 SPD

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

### Emerging Local Plan:

The document 'Development Management Policies' will eventually form the second part of the adopted Local Plan, but currently it is in the early stages of development. The Regulation 18 consultation marks the start of the engagement stage of the Plan and represents the scoping stage to decide what should be included in the Plan. The Regulation 18 consultation took place between 3 June 2020 and 22 July 2020.

Currently the next version of the plan is being prepared for consultation: the Regulation 19 Proposed Submission Local Plan: development management policies.

## **Planning considerations.**

### Background

After comparing and contrasting the plans submitted and approved within the following applications:

- 15/P/02267 (Outline)
- 17/P/02349 (Reserved Matters)
- 19/N/00002 (NMA)
- 19/P/00795 (Full) - application for the single dwelling to the far south of the site
- 21/P/01135 (Variation of condition) - current application

the following discoveries were made:

- The 4 properties at the front of the site are slightly deeper than the original outline application showed; however these deeper footprints were permitted at reserved matters.
  - As a result the gardens of these 4 properties are slightly shallower than shown in the original outline application.
- The Parking area at the north of the site is 1 metre wider than it should be (with the 1 metre being placed on the side closest the road), which has narrowed the grass frontage and has therefore resulted in the hedge being closer to the road.
- The plots themselves are all in the correct locations, and there is no alteration of their positions on any of the previously approved plans.
- The Full application submitted for the dwelling to the far south of the site, shows the same road layout as agreed under the NMA.
- All of the approved plans (excluding the outline application), show part of 109 Poyle Road's driveway to be a shared surface.

Amended plan were therefore requested in order to display what is actually on site. These amendments related to:

- The hedges around Plot 5
- The tarmacked parking area at the north of the site
- The grass verges at the north of the site
- The front hedge
- The vehicular turning circle

Condition 5 discharged under 18/D/00057 (Discharge of conditions 2, 5, 6, 9, 10 & 11 on application 17/P/02349) relating to water drainage was also discussed with the agent. The reason for this is because the approved plans relating found within the Technical Note ref: Acl281/18-009 dated 26th March 2018 does not show the drain which lies within the grounds of Plot 5.

Discussing this matter with the agent, it is understood that this drain was installed for the purposes of the single dwelling approved at the far south under application 19/P/00795. It was suggested that an amended plan were submitted under this variation of condition application, or alternatively a new condition could be attached in the event of a positive decision notice for this current application, if the agent wished to address this at a later date. The agent wished for this to be addressed at a later date.

Therefore the plan alterations that differ from previously approved plans, which shall be considered under this application are:

- Adjustments to the road/tarmac layout within the site
- Adjustments to driveway for plot 5
- Adjustments to hedges within the site
- Adjustments to trees within the site

### Principle of Development

The principle of development has already been approved under the numerous planning decisions already granted previously. The application seeks minor alterations as described above to address not having built the development out in accordance with the previously approved plans.

Therefore this report will focus on the relevant planning considerations, which have been identified as relevant to the application:

- highway/parking considerations
- the impact on neighbouring amenity
- impact on trees and vegetation
- concerns of consultees

### Highway/Parking Considerations

As described above in detail within the "consultations" section, Surrey County Council Highways Authority has thoroughly assessed the latest plans and conducted a site visit. Given that the application is retrospective, this usefully allowed Surrey County Council Highways Authority's to fully assess and consider any potential issues relating to highway safety. It has been confirmed by Surrey County Council Highways Authority, that the development is acceptable and the latest set of plans are acceptable from a highways perspective.

Given this, it is considered that the amended plans conform with Policy ID3 of the LPSS.

### The Impact on Neighbouring Amenity

The amended plans are not considered to cause detrimental harm to the amenity of occupiers inhabiting any of the plots.

There is a hedge opposite the amended driveway relating to plot 5, and therefore this would restrict potential light from cars manoeuvring in/out of this driveway.

In relation to hedge amendments, these are not considered detrimental to amenity, and additional boundary screening can be added in the form of planting/fencing/walls under permitted development, if occupants so wish.

As such the proposed amendments are considered to comply with saved Policy G1(3).

#### Impact on Trees and Vegetation

The amendments relating to trees/vegetation are considered to not have a detrimental impact. As such the amended plans are considered to comply with Policy ID4 of the LPSS and saved Policy NE5.

#### Concerns of Consultees

Planning permission is all related to land use, and some of the concerns raised by consultees do not have merit with relation to the amendments sought under this variation of condition application.

This application seeks to address development built not in accordance with previously approved plans. Therefore the assessment only relates to sought amendments differing from those plans previously approved.

Concerns relating to quality of built development etc. are an enforcement matter and not one which is assessed as part of the amendments sought under this variation of condition application.

It should also be noted that as previously stated, planning permission simply relates to land use; and therefore concerns relating to boundary disputes and land ownership are not a civil matter and not one which Guildford Borough Council Planning Department would involve themselves with.

#### **Conclusion.**

The proposed variation of condition application has fully assessed the sought amendments, which differ from previously approved plans. It is considered that the amendments do not cause detrimental harm and are in accordance with the relevant adopted Policies.

Given the above, this variation of condition application is recommended for approval.