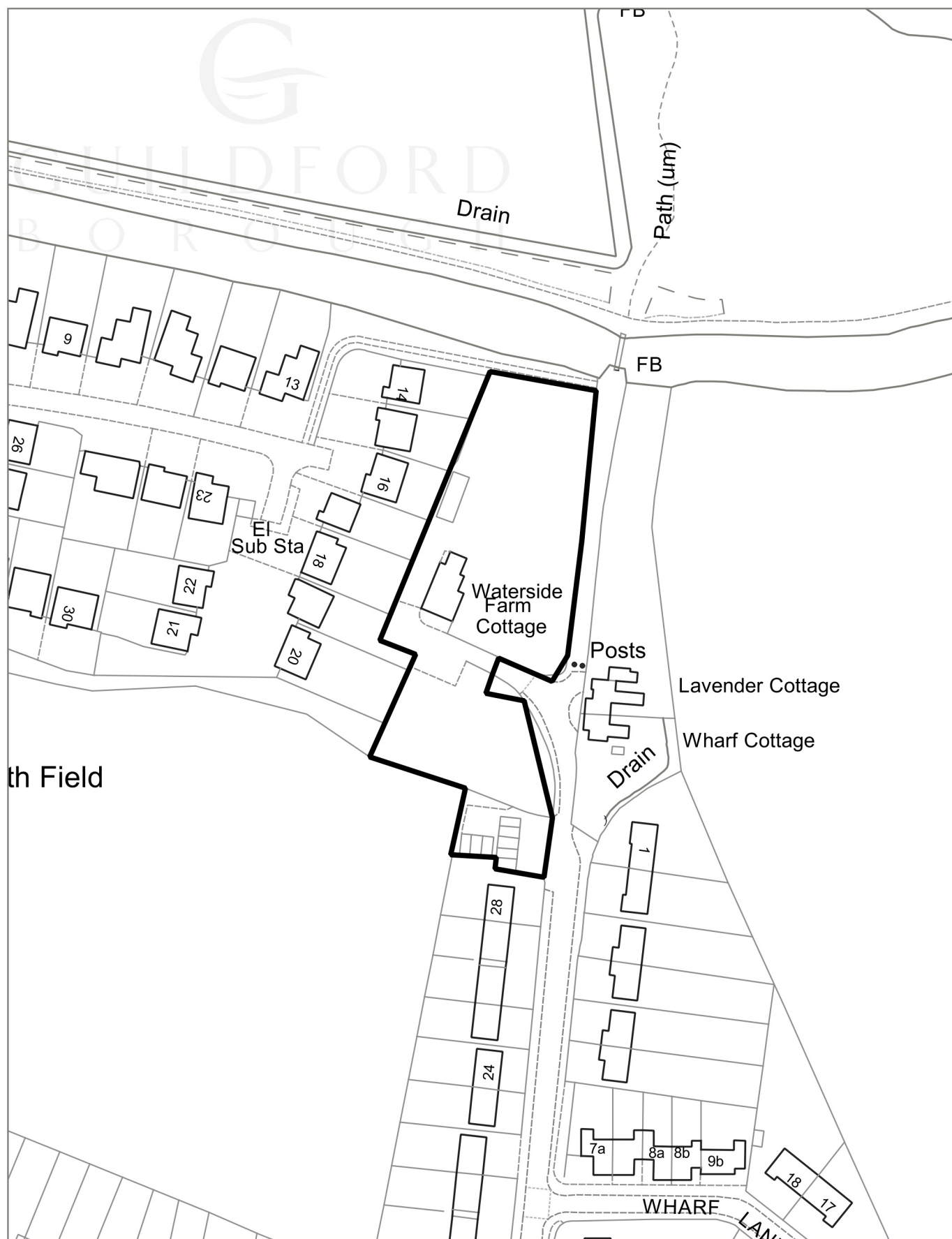


21/P/01581 - Waterside Farm Cottage, Wharf Lane, Send, Woking



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This map is for identification purposes only and should
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Print Date: 19/11/2021

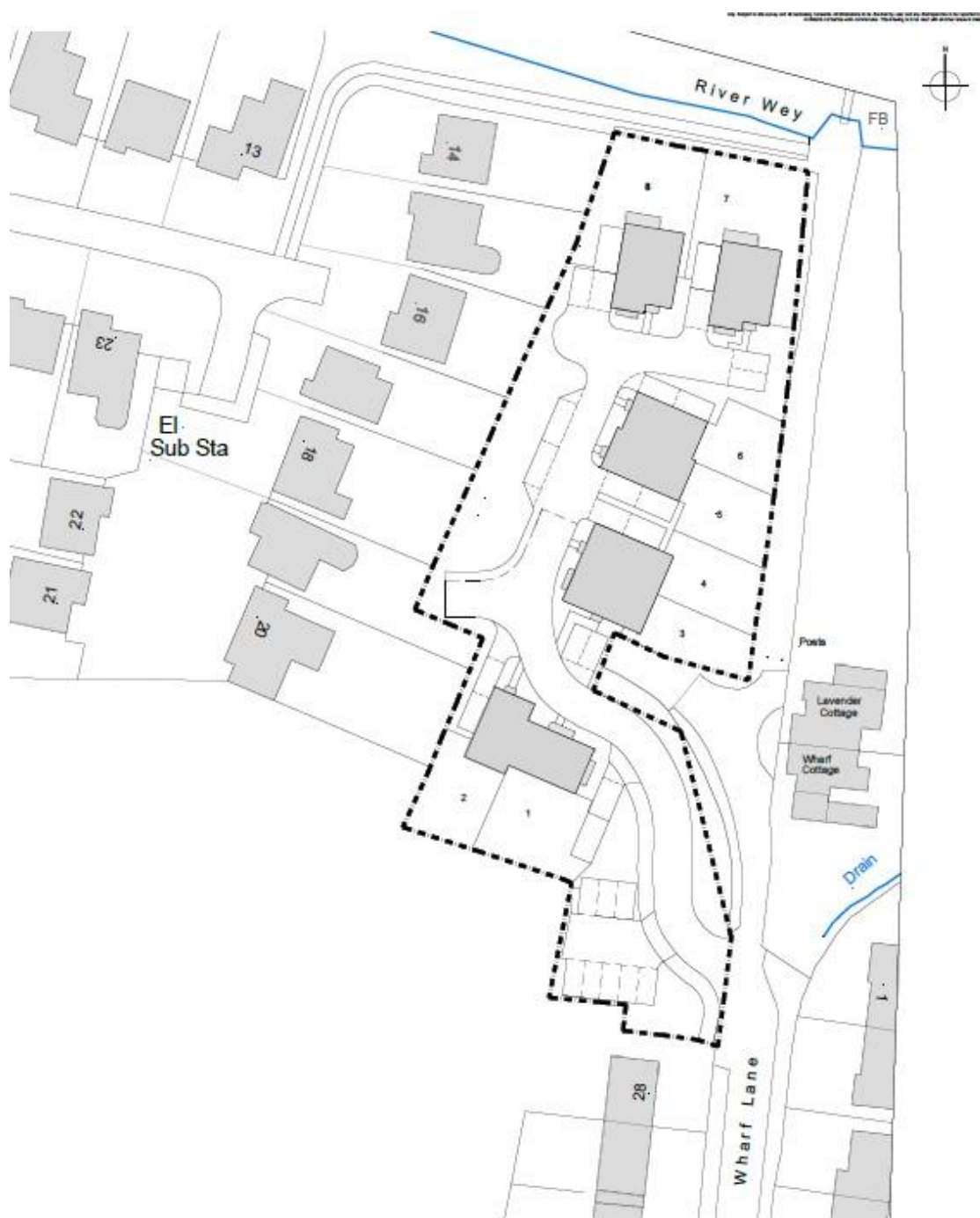


Not to Scale



GUILDFORD
BOROUGH

21/P/01581 Waterside farm Cottage, Wharf Lane, Send GU23 7EJ



Not to scale



App No: 21/P/01581
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Send
Agent : Mr T. Rumble
Woolf Bond Planning
The Mitfords
Basingstoke Road
Three Mile Cross
RG7 1AT

8 Wk Deadline: 10/09/2021

Ward: Send
Applicant: Mr D. Aziz
Concept Developments (Land)
Limited
Ground Floor
Egerton House
68 Baker Street
Weybridge
KT13 8AL

Location: Waterside Farm Cottage, Wharf Lane, Send, Woking, GU23 7EJ
Proposal: Proposed erection of 8 dwellings (C3 use class), associated access, landscaping and parking, following demolition of Waterside Farm Cottage, outbuilding and Wharf Lane garages.

Executive Summary

This application is the subject of a non determination appeal.

Had the Council retained the right to determine this application, the recommendation would have been to approve subject to the conditions and the completion of a s106 Agreement as set out in this report.

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 proposal is for the erection of 8 dwellings (C3 use class), associated access, landscaping and parking, following demolition of Waterside Farm Cottage, outbuilding and Wharf Lane garages.

Parking:

21 spaces proposed

2 x 2 bed dwellings (Plots 2 & 6): 4 spaces (2 per dwelling)

4 x 3 bed dwellings: (plots 1, 3, 4, 5) 8 spaces (2 per dwelling)

2 x 4 bed dwelling (Plot 7 & 8): 6 spaces (3 per dwelling)

Visitor spaces: 3

A parking court providing 8 parking spaces is also proposed to replace the existing garage blocks on the part of the site owned by the Council. The existing pedestrian access / gate leading from the parking area to the Heathside Nature Reserve will be retained.

Summary of considerations and constraints

There is no objection to the principle of the development and the proposal would deliver a net increase of eight new homes in a sustainable location. The development would not harmfully affect the character or the appearance of the surrounding area, including the setting of the adjacent Wey Navigation Conservation Area and would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties. Subject to the recommended conditions there will be no adverse impact on the ecology of the site or surroundings. The development would not give rise to conditions prejudicial to highway safety and would not impact on the Thames Basin Heaths Special Protection Area.

This application is the subject of a non determination appeal. The Council are therefore unable to formally determine the application. Instead, the Council must decide what their decision would have been had they been in the position to determine this application.

Subject to the conditions and the completion of a s106 Agreement to secure the necessary SANG and SAMM contributions, 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:

- **provision of SAMM contributions;**
- **provision of SANG land to mitigate the impact of the development on the TBHSPA;**

If the terms of if the s.106 or wording of 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 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:

P201, P202, P207, P208, P209, P210, P214 and P215 received 16 July 2021

Amended plans: P205A, P206A, P212A, P213A received 19 October 2021

Amended plans: P203B, P204B received 11 November 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 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 development hereby approved shall not be first occupied unless and until the proposed vehicular access to Wharf Lane has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.099.0015.001 Rev B, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. P204, 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.

6. 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. P204, 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development hereby approved shall not be occupied unless and until 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 for their designated purposes.

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

8. Prior to first occupation a scheme for improving the pedestrian access from the site entrance to tie in with the existing footway on the western side of Wharf Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall also be implemented in accordance with the agreed details prior to the first occupation of the development.

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

9. 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

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.

10. 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, and details of proposed boundary treatments for all boundaries (including new plot boundaries), have been submitted to and approved in writing by the local planning authority. The landscape proposals should also accord with the ecological / biodiversity enhancements as required by Condition 12 below. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

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

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

12. Prior to the commencement of development, in addition to the proposed biodiversity mitigation and enhancement proposals set out in 'Landscape and Ecological Management Plan by CGO Ecology LTD (dated 16 July 2021), an updated detailed landscape and ecological management plan (LEMP) for the site to included detailed landscaping proposals must be submitted to and approved in writing by the Local Planning Authority. The LEMP should include adequate details of proposed impact avoidance, mitigation and enhancement and include details of the following:

- detailed landscaping proposals to include the recommendations set out in the LEMP by CGO Ecology (dated 16 July 2021) - to include full details of planting plan proposals including location of plantings and species numbers.
- How habitats will be managed in the future, techniques and works schedules.
- Who will undertake the maintenance of habitats on site.
- How ongoing maintenance and monitoring will be undertaken and financed.

The development shall be implemented in accordance with the agreed LEMP.

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

13. The development must accord with the Arboricultural Survey and Planning Integration Report (including all recommendations) prepared by Quaife Woodlands AR/4086a/jq . No development shall start on site until the protective fencing and any other protection measures shown on the Tree Protection Plan in the Arboricultural Report have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. 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 pre-commencement 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.

14. 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, Class B shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

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

15. The first floor window(s) in the western elevation(s) of the dwellings on Plots 2 and 8 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.

16. Before the development commences, a detailed Phase One survey, including historic investigation and detail on ground conditions shall be submitted to ascertain whether the site supports any soil or water contamination. If the LPA consider that further investigation of the site is necessary, a detailed site investigation must be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. The investigation shall include relevant sub-surface, soil gas and groundwater sampling together with the results of analysis and a risk assessment of the impact to receptors. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination.

Reason: To ensure any contamination of the site is remediated and to protect existing/proposed occupants of the applicant site and/or adjacent land.

17. Any remediation scheme submitted in accordance with Condition 16 (above) shall be carried out as detailed in the applicants submission. Prior to the occupation of proposed development, a documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

Reason: To ensure any contamination of the site is remediated and to protect existing/proposed occupants of the applicant site and/or adjacent land.

18. The development shall be carried out in accordance with the Sustainability and Energy Report from Bluesky Unlimited (dated 14 July 2021). The approved details shall be implemented in full 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 Policy D2 of Guildford Borough Local Plan : Strategy and Sites (adopted 25 April 2019)'.

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

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

20. 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 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) 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. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge **equivalent to the pre-development Greenfield run-off.**

- c) 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d) 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 from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) 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.

21. 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 surface water drainage system has been constructed as per the agreed scheme (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), and confirm any defects have been rectified.

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

22. No development shall take place until a SuDS Construction, Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. This will need to detail how the SuDS scheme will be managed and monitored in an appropriate manner to ensure they do not become blocked and cause more issues with potential run off from the site causing a potential impact on the SSSI downstream. An appropriate contractor to monitor / manage the SuDS must also be selected.

The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the adequate protection of statutory protected species and habitats.

23. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. This plan shall include details on how runoff and sediment control and site clearance is going to be managed in line with Ciria guidance and should be in a form that can be presented to any contractor used.

The development shall be carried out in strict accordance with the approved method statement.

Reason: To ensure the adequate protection of statutory protected species and habitats.

24. The garages / car barns shall be used solely for vehicle parking and for the benefit of the occupants of the dwelling/s of which they form part and their visitors and for no other purposes and shall be permanently maintained for that purpose.

Reason: To ensure that satisfactory parking provision is retained within the development.

Informatives:

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

3. 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
4. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
5. 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.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. The 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>.

8. 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
9. 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.
10. 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.
11. 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.
12. 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.
13. Existing Foot Path 49 must not be obstructed during or after the completion of works.
14. The developer should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.
If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.

Officer's Report

Site description.

The site lies within the settlement of Send which has been inset from the Green Belt following the adoption of the 2019 Local Plan. The site is within the Corridor of the River Wey and is adjacent to the Wey Navigation Conservation Area. It is also within the 400m to 5km buffer zone of the Thames Basin Heath SPA. The site lies outside of floodzones 2 and 3.

The application site itself currently comprises a detached bungalow and its outbuildings together with a small area of garaging and parking which is within the ownership of Guildford Borough Council.

The surrounding area includes residential properties along Wharf Lane to the south and east, and Sanger Drive to the west. An area of open space is also located to the south of the application site, Heathfield Nature Reserve. Immediately to the east of the site is a public footpath running north to south which leads from Wharf Lane to the Wey Navigation.

Proposal.

Proposed erection of 8 dwellings (C3 use class), associated access, landscaping and parking, following demolition of Waterside Farm Cottage, outbuilding and Wharf Lane garages.

Parking:

21 spaces proposed

2 x 2 bed dwellings (Plots 2 & 6): 4 spaces (2 per dwelling)

4 x 3 bed dwellings: (plots 1, 3, 4, 5) 8 spaces (2 per dwelling)

2 x 4 bed dwelling (Plot 7 & 8): 6 spaces (3 per dwelling)

Visitor spaces: 3

A parking court providing 8 parking spaces is also proposed to replace the existing garage blocks on the part of the site owned by the Council. The existing pedestrian access / gate leading from the parking area to the Heathside Nature Reserve will be retained.

Relevant planning history.

21/P/00141 - Proposed erection of nine dwellings (C3 use class) following demolition of Waterside Farm Cottage and Wharf Lane garages. - Withdrawn

89/P/01177/S106/1 - Deed of variation to the Section 106 agreement dated 13/01/1992 for planning approval 89/P/01179 to discharge the planning obligation set out in Paragraph 1(b) of the First Schedule of the section 106 agreement, which reads as follows: "There shall be one dwelling house only on the land shown edged brown on the Plan. - Under consideration.

Consultations.

Statutory consultees

County Highway Authority:

- no objection, conditions and informatives recommended
- there are bus stops located on Send Road. Westbound bus stop is approximately 210 meter and eastbound bus stop approximately 260m located from the development site.
- although there will be some increase in vehicular trips, (46 trips over the 12 hour period) it is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network.
- existing Foot Path 49 must not be obstructed during or after the completion of works.

Natural England:

- no objection - subject to appropriate mitigation being secure in respect of the Papercourt Site of Special Scientific Interest (SSSI)

Thames Water:

- no objection with regard to the waste water network and sewage treatment works infrastructure capacity
- recommended informatives

Internal consultees

Head of Environmental Health and Licensing:

- no objection, subject to recommended conditions

Non-statutory consultees

Surrey Wildlife Trust

- recommended conditions and informatives

Send Parish Council

Objects on the following grounds:

- overdevelopment of scenic plot
- conflict of interest and covenant [*Officer note: this is a separate legal matter*]
- loss of a valued public amenity and lack of parking, the garages are fully occupied and local residents tell use there is always a waiting list for any vacancies. GBC is not offering to reinstate these 8 garages in the village, so this fully used amenity would be permanently lost
- this application is another windfall site and there is no demonstrated need for these additional homes in this location
- lack of infrastructure to support such rapid growth of housing stock in Send
- doesn't meet the requirements of the Send Neighbourhood Plan

- layout is cramped and inconsistent with the layout of surrounding homes including Sanger Drive
- sewerage infrastructure, supporting infrastructure must come before any additional homes are considered in this lane
- delivers poor quality and cramped housing, out of character to other developments in Send

Third party comments:

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

- there is a restrictive covenant in place regarding building on the site - the development contradicts the purpose of that covenant [*Officer note: This is a separate legal matter*]
- significant increase in traffic exiting onto Send Road
- impact on residents in Sanger Drive from construction noise, dust and vibration
- very little change from previous withdrawn application
- highway safety
- density is out of place for housing in Send
- overdevelopment
- will exacerbate existing sewage problems
- overlooking to properties in Sanger Drive
- loss of light to properties in Sanger Drive
- impact on biodiversity, would result in a net loss
- ecological impact
- many mature and healthy trees have already been removed from the site (prior to surveys being carried out)
- will impact on view from the High Bridge adjacent to Waterside Farm
- GBC is meeting its housing targets
- doesn't meet requirements of Send Neighbourhood Plan
- garages to be demolished are currently rented to residents and are a useful amenity
- loss of garages is not adequately compensated in the proposal
- the sale of the GBC garages to the developer creates a conflict of interest
- where are the construction vehicles going to park?
- noise and air pollution
- light pollution from new streetlights and car headlights entering the development
- impact on drainage / flooding
- impact on the River Wey and Heathside Nature Reserve
- will place significant pressure on existing infrastructure and services (schools, doctors etc)
- impact on trees on the boundary with properties in Sanger Drive
- visual impact on Wey Navigation corridor / conservation area
- insufficient space for parking
- the site currently forms an important wildlife corridor
- proposed location for communal waste bins will produce odour pollution to Sanger Drive residents
- surface water management
- impact on access to Heathland Nature Reserve from Wharf Lane from the proposed parking area / access road
- currently on the waiting list for one of the garages
- loss of garages will result in loss of boundary for 28 Wharf Lane
- loss of turning space for cars or trucks driving up this section of Wharf Lane
- lack of sustainability measures

Planning policies.

National Planning Policy Framework (NPPF):

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

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

Ministry of housing, communities and Local Government

National Design Guide dated 1 October 2019

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and sites 2015-2034 (LPSS)

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 following policies are relevant:

S1: Presumption in favour of sustainable development

H1: Homes for all

H2: Affordable homes

P4: Flooding, flood risk and groundwater protection zones

P5: Thames Basin Heaths Special Protection Area

D1: Place shaping

D2: Climate change, sustainable design, construction and energy

D3: Historic Environment

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):

G5 Design Code

G1 General Standards of Development

NE4 Species Protection

NE5 Dev. Affecting Trees, Hedges & Woodlands

HE10 Dev. Affecting the setting of a Conservation Area

Neighbourhood Plans:

Send Neighbourhood Plan

Policies:

SEND 1 - Design
SEND 2 - Housing development
SEND 4 - Green and Blue Infrastructure
SEND 7 - Supporting sustainable transport
SEND 8 - Car parking provision

Supplementary planning documents:

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

Other guidance:

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- housing need and the mix of dwellings proposed
- design and character
- living environment for future occupiers
- the impact on neighbouring amenity
- the impact on highway safety and the level of parking
- the impact on trees and vegetation
- sustainable design and construction
- the impact on biodiversity and protected species
- the impact on Papercourt SSSI
- flooding and land drainage
- contaminated land
- the impact on the Thames Basin Heaths Special Protection Area
- legal agreement requirements

The principle of development

With the adoption of the new Local Plan, this site is no longer designated as being within the Green Belt.

The principle of 8 dwellings on this site is therefore acceptable, subject to compliance with the detailed requirements of the above policies.

Housing need / mix

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.

Housing mix:

Policy H1: Homes for all

Housing mix and standards

(1) 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. New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location.

It is important to note that Policy H1(1) is not intended to be applied in a prescriptive manner. It is a broad assessment of the needs required over the plan period and should be used to guide development proposals. However in applying the mix consideration needs to be given to site specific matters which together will shape the appropriate mix on particular sites.

Proposed mix:

Total Housing mix	No.	SHMA % req	Provided %
1 bed	0	20	0
2 bed	2	30	25%
3 bed	4	35	50%
4 bed	2	15	25%
Total	8		

(table 1)

In terms of the overall mix of the proposal, as shown in table 1 above, the mix is generally close to what the SHMA requires for the borough with a higher proportion of 3 bed units than required by the SHMA.

Overall the housing mix would comprise a greater mix of larger 3 bed units and no 1 bed units. Given that it is relatively small sized site and its location on the edge of Send village, comprising mainly of housing, it is considered that the proposed overall housing mix would complement the local context.

There are no 1 bed units proposed. However these smaller 1 bed units are expected to be delivered in a town/district centre locations (particularly in the town centre which will mainly deliver flatted development), larger sites with a range of character areas or adjoining a transport hub and 2-4 beds units delivered in the out of town settlements. This is an out of town location, where there is greater demand for: family units, downsizers, first time buyers and relations of people who have grown up in the area.

So whilst not strictly complying with the SHMA it is considered that the overall mix of units would be appropriate given the location.

Design and character

Para 130 of the NPPF stipulates that developments:

- a) “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”;
- b) “are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”;
- c) “are sympathetic to local character and history, including the surrounding built environment and landscape setting”;
- d) “establish 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”;

Policy Send 1 - Design of the Send Neighbourhood Plan is relevant. This states: 'High quality and sustainable design is expected in Send and shall conserve and enhance its heritage and environmental assets including the Wey & Godalming Navigations Conservation Area and its setting. All development proposals will be expected to demonstrate how they promote and reinforce the local distinctiveness and high quality built and natural environment of Send with reference to the Send Neighbourhood Development Plan Character Assessment. Proposals should seek to ensure that development does not result in significant adverse effects on the key views identified in the maps on pages 25 to 32 of the Neighbourhood Plan and respects and retains key natural landscape assets. In particular, in the following Character Areas:

A) Wey Navigation and River Wey – proposals must conserve and enhance the Wey & Godalming Navigations Conservation Area;'

The views from the footbridge which crosses the Wey Navigation immediately adjacent to the north eastern corner of the application site are identified as one of the 'key views' (views A1 and A2) in the Send Neighbourhood Plan. It should be noted that the views specified in the Neighbourhood Plan are those looking east from the footbridge towards the Tannery and northwestwards towards Broadmead flats (flood plain). They do not specifically include the views from the footbridge towards the application site. Notwithstanding this, views from the Conservation Area are a material consideration which will be assessed in more detail below.

The application site sits at the end of Wharf Lane which is made up of terraced bungalows along its western side and two storey semi-detached dwellings on more spacious plots along the eastern side. Residential dwellings in Sanger Drive lie immediately adjacent to the site to the west, comprising two storey detached dwelling. There is also an existing detached two storey dwelling which sits to the east of the application site. The boundary with the Green Belt countryside to the east and north is delineated by the eastern side of the public footpath which runs along the eastern boundary of the application site and the southern bank of the Wey Navigation. The nature of the surrounding development and proximity to the countryside provide a semi-rural character to the area with a mix of sizes and styles of dwellings and a mix of plot sizes.

The western boundary of the site with Sanger Drive consists of tall hedging and mature trees, which provide good screening to properties in Sanger Drive which back on to the site. There are also trees and hedging running along the eastern boundary of the site with the public footpath, and the southern boundaries. This existing boundary vegetation is proposed to be retained as part of the proposed development. There is also existing shrub and hedge planting along the northern boundary with the Wey Navigation. This is lower in height and allows views through to the navigation. Concerns have been raised that some trees were removed from site prior to the submission of the application. However, there were no protected trees on the site and several trees have been retained, particularly along the site boundaries.

With regard to the proposed development, firstly a new access is proposed opposite 1 Wharf Lane with a new access road then following the line of an existing tall hedgerow to be retained, leading to the proposed residential cul-de-sac of 8 new dwellings. At the start of the new access road, the existing Council owned garage blocks (comprising 8 individual garages) will be demolished and replaced with a parking court of 8 parking spaces. The position of the existing pedestrian access point to Heathside Nature Reserve will remain unaltered and will remain accessible via the existing parking court which is very similar to the existing situation.

The proposed residential cul-de-sac will consist of three pairs of two storey semi-detached dwellings (Plots 1 to 6), one pair to the south of the site, and two pairs positioned along the eastern edge of the site, leading to two detached two storey dwellings positioned at the end of the new cul-de-sac, with their rear gardens backing on to the boundary with the Wey Navigation. The proposed layout of the dwellings will be similar to that of dwellings in Sanger Drive, albeit with predominantly semi-detached dwellings. Parking spaces will be provided to the sides of the dwellings, which will also provide generous spacing between the dwellings and to the site boundaries, in keeping with that of surrounding properties.

As mentioned above, much of the existing boundary trees and hedging will be retained, and where existing hedging is to be removed, for example on the boundary to the rear of 20 Sanger Drive, new hedge planting is proposed. Further new tree planting is also proposed within the site, including as part of a significant area of soft landscaping area along the western boundary opposite plots 3 to 6. When matured, this new planting will provide additional screening to properties in Sanger Drive. Following officers' concerns regarding the provision of a close board fence on the rear boundaries of Plots 7 & 8 with the Wey Navigation, the agent has submitted revised plans to show the proposed fencing omitted from this boundary and indicating that new soft landscaping / planting is now proposed to be provide along on this boundary, to ensure it the boundary treatment is sensitive to its riverside setting and does not detract from the visual amenity along the Wey Navigation. The provision of appropriate soft landscaping along this boundary will also assist in ensuring the ecology of the site and surrounding is not adversely impacted. [The impact on biodiversity will be assessed in more detail further on in this report.] The provision of an appropriate soft landscaping scheme, including new tree and hedge planting and landscaping proposals for northern boundary with the Wey Navigation can be secured by condition.

The proposed dwellings will be of a traditional design, incorporating traditional pitched roofs with gable features and traditional materials and detailing including porch canopies and bay windows. As noted above, parking will predominantly be provided alongside the dwellings including through the provision of car barns. The proposed parking layout will minimise its visual impact whilst providing sufficient parking for each of the proposed dwellings.

It is considered that the design, size and height of the proposed dwellings and plot sizes, will not be out of character with the surroundings and the retention of the majority of existing trees and vegetation on the site boundaries, together with new tree and hedge planting, will ensure the development sits comfortably in the context of the surroundings and will ensure the semi-rural character of the area is not adversely affected.

Heritage asset - Wey Navigation Conservation Area

The Wey Navigation in Guildford is a designated heritage asset along its route and runs through several conservation areas, including the Wey and Godalming Navigations Conservation Area.

Along this stretch of the Wey Navigation (adjacent to the application site), the existing dwellings along Sanger Drive (to the west of the application) are located in close proximity to the navigation and are visible in views from it.

The proposed development would introduce new dwellings on to a largely undeveloped site, in close proximity to the navigation. The dwellings on Plots 7 & 8 would be positioned in closest proximity and would back on to the navigation with their rear boundaries adjoining the southern bank. However, these dwellings would not extend closer to this boundary than the existing dwellings in Sanger Drive which sit alongside the application site to the west. The proposed scale, height and design of the dwellings would appear sympathetic to the character of the surroundings and would be read against the existing established dwellings within Sanger Drive. As noted above, the provision of sensitive boundary treatment along the northern boundary of the new dwellings is considered very important in ensuring there is no adverse impact on the visual amenity of the Wey Navigation's setting. Subject to a condition to ensure details of landscaping on this boundary are submitted to the LPA for approval, it is considered that the proposed development would not result in harm to the setting of the Conservation Area.

For these reasons, the proposals will also not have an adverse impact on the views from the High Bridge (footbridge) as required by Policy Send 1 of the Send Neighbourhood Plan.

It is therefore considered that the proposal is in accordance with policies D1 & D3 of the 2019 Local Plan and Policy Send 1 of the Send Neighbourhood Plan.

Living environment for future occupiers

Policies H1 and D1 of the 2019 Local Plan require all new residential development to conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG) 2015. The accommodation schedules submitted with the application confirms that all of the proposed dwellings would conform to the nationally described space standards. The proposal also shows the provision of good sized private garden areas for all of the dwellings. The proposal therefore meets the requirements of Policies H1 and D1 of the 2019 in this regard.

Impact on neighbouring amenity

Neighbouring properties in Sanger Drive back onto the application site, and therefore have rear windows and rear gardens facing towards the application site.

As noted above, there is currently substantial trees and tall hedging along the western boundary of the application site with the properties in Sanger Drive which is shown to be retained as part of the proposed development and will provide screening. The proposed new dwellings closest to the western boundary will be the dwelling on Plot 2 and Plot 8 and both will have flank elevations facing towards the shared boundary, with only a small landing window proposed at first floor level for each dwelling.

There will be a separation distance of approximately 3.7m between the nearest flank elevation of the dwelling on Plot 2 and the shared boundary with 20 Sanger Drive, and a further 18m (approx) beyond the boundary to the neighbouring dwelling itself. The minimum separation distance between the two storey flank elevation of the dwelling on Plot 8 will be 5.2m to the shared boundary and 12.4m (approx) beyond that to the two storey rear elevation of the neighbouring dwelling at 15 Sanger Drive. Whilst the proposed new dwellings will be visible to these neighbouring dwellings, it is considered that due to these separation distances and the orientation of the dwellings on Plots 2 & 8, there will not be adverse impact in terms of a detrimental loss of sunlight or daylight or overbearing impact or a detrimental loss of privacy to the rear gardens or rear windows of neighbouring dwellings in Sanger Drive.

The proposed dwellings on Plots 3 to 6 will be orientated facing towards the western boundary of the site, but their front elevations will be set away from this boundary by a minimum distance of approximately 15.8m. This distance is considered sufficient to ensure there will not be unacceptable overlooking or loss of privacy to the rear gardens or rear windows of properties in Sanger Drive from the dwellings on Plots 3 to 6. The separation distance will also ensure there will not be any adverse loss of light or overbearing impacts resulting from these proposed dwellings. Furthermore, an extensive area of landscaping is proposed between these proposed dwelling and the boundary which will provide screening further reducing the impact.

The separation distances to other neighbouring properties in Wharf Lane are also considered sufficient to ensure there will be no adverse impacts on the amenities enjoyed by the occupants of these properties in terms of loss of light or loss of privacy.

The proposal will introduce two new vehicular access points, which will be positioned opposite existing dwellings on the eastern side of Potters Lane. Whilst this would introduce new vehicle movements, due to the number of dwellings proposed, it is considered that this would not lead to unacceptable noise, light or disturbance for the occupants of neighbouring dwellings in Wharf Lane or Sanger Drive.

It is therefore concluded that the proposals accord with Policy G1(3) of the saved Local Plan.

Impact on highway safety and parking provision

Surrey County Council, in their capacity as County Highway Authority (CHA), has no objection to the application subject to recommended conditions and informatives.

The CHA has not raised any objection to the proposed new access point on Wharf Lane which is considered to have suitable visibility on both directions.

The submitted transport assessment states that there will be some increase in vehicular trips (46 trips over the 12 hour period) resulting from the proposed development. However, the CHA does not consider this will result in a significant increase in vehicular trips on the surrounding highway network.

In terms of parking provision, the proposal would accommodate 18 car parking spaces (including car barns) for the 8 residential units. The 8 properties would range in size from two, three and four bedroom properties and according to the Council's adopted parking standards this would require a parking provision of 19 spaces. It is also important to note 3 visitor spaces are also proposed in addition, with two visitor spaces along the access road and one adjacent to Plot 6. The proposed parking provision therefore accords with the Council's adopted parking standards. As some of the parking spaces are to be provided by way of car barns, it is considered necessary to attach a condition to ensure these are retained for vehicle parking in perpetuity.

A revised site layout has been submitted which shows one of the bin collection points re-positioned in order to address concerns raised by the Council's Operational Services team. The refuse collection arrangements are subsequently considered acceptable.

The two blocks of 8 existing single garages, will be replaced with a parking court providing 8 parking spaces. There will therefore be no loss of parking compared to that provided within the existing garage blocks.

The site is within a sustainable location within cycle and walking distance of local services in the village of Send. There are also bus stops located on Send Road. The westbound bus stop is located approximately 210 metres and the eastbound bus stop approximately 260m from the development site. The site is therefore considered to be easily accessible to local services in the village.

It is therefore concluded that the proposals accord with Policy ID3 of the 2019 Local Plan.

Trees and vegetation

As noted above there are existing mature trees and hedging on the site boundaries.

An Arboricultural Report has been submitted with the application. The only trees proposed to be removed are Leylandii including a group of Leylandii on the eastern boundary with the public footpath. The Council's Tree Officer has advised he has no objection to their removal which will benefit a mature Silver Birch tree on the eastern boundary of the site which is to be retained. New tree planting is also proposed which can be secured as part of a landscaping condition.

The proposed Tree Protection Measures plans show the requirement of a no dig surfacing for the parking area adjacent to the Silver Birch T7. The Tree Officer has advised that a condition should be included requiring the Arboricultural Report to be adhered to in full, in particular the recommendations regarding site supervision and sequence of works.

It is concluded that subject to conditions to ensure that the development is carried out in accordance with the Arboricultural Report recommendations, Tree Protection Plan and a landscaping plan to ensure there is new tree planting, there will not be a detrimental impact on the trees and vegetation on the site or the visual amenities they provide. The proposal therefore accords with Policy NE5 of the saved Local Plan.

Sustainable design and construction

Policy D2 of the Adopted Local Plan sets out the measures that must be met by new developments. This is supported by the recently adopted Climate Change, Sustainable Design, Construction & Energy SPD 2020. New buildings are required to:

- Achieve a 20% reduction in carbon emissions over and above Building Regulation Standards
- Water Efficiency measures
- Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated

The Climate Change SPD clarifies when this information should be provided, whilst it states some information should be forthcoming at the time of submission. It is important to have this information early to ensure sustainability principles drive early site design.

A Sustainability and Energy Report from Bluesky Unlimited has been submitted (dated 14 July 2021). This confirms that the above requirements are proposed to be met for the development through the use of building fabric efficiency, the installation of flue-gas and waste water heat recovery units to the six semi-detached houses and the installation of 3 x 300W photovoltaic panels to each of the two detached houses that comprise Plots 7 and 8. The implementation of these measures can be secured by condition.

Impact on biodiversity and protected species

The presence of protected species is a material planning consideration, which needs to be addressed prior to any permission being granted.

The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Paragraph 175 of the NPPF also requires that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) and a Landscape and Ecological Management Plan. The PEA has confirmed the likely absence of roosting bats from the site.

Surrey Wildlife Trust has been consulted on the application and advise that this development offers opportunities to restore or enhance biodiversity and such measures will assist the Local Planning Authority in meeting the above obligation and also help offset any localised harm to biodiversity caused by the development process. The applicant has submitted a LEMP as part of the application. This LEMP notes that “The landscaping scheme has yet to be confirmed, but will aim to offset the proposed loss of trees and hedges.” SWT recommend that, prior to the commencement of works, the LEMP is updated to provide details of the landscaping plans. The finalised landscaping plans should take in to account all of the recommendations within the submitted LEMP.

It is concluded that subject to the recommended conditions to secure the required mitigation measures and ecological enhancements through the submission of an updated LEMP, the proposed development would comply with the requirements of the NPPF and Policy ID4 of the 2019 Local Plan.

Impact on Papercourt SSSI

The site lies within approximately 1km of the Papercourt Site of Special Scientific Interest (SSSi).

Natural England has been consulted on the application and has advised that in order to mitigate any adverse effects on the Papercourt SSSI, conditions should be attached to secure the provision and implementation of a Construction Environmental Management Plan (CEMP) and a SuDS Construction Management and Monitoring Plan.

Natural England would like to see a CEMP in regards to runoff and sediment control and for site clearance, in line with the Ciria guidance and one that can be presented to any contractor used.

Any SuDS will need to be managed and monitored appropriately to ensure they do not become blocked and cause more issues with potential run off from the site causing a potential impact on the SSSI downstream. As such we would advise the provision of a SuDS Construction, Management and Monitoring Plan be secured via condition and an appropriate contractor selected.

These measures are subsequently recommended to be secured by condition.

Flooding and land drainage

The application site is within Flood Zone 1 (Low Probability). This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1 per cent). Paragraph 100 of the NPPF states that development be directed away from area at the highest risk. The proposal is therefore an acceptable location for new residential development in line with the aim of the NPPF.

The site area is 0.36Ha and therefore a Flood Risk Assessment is not required.

Notwithstanding this, a Pluvial Flood Risk Technical Note has been submitted with the application which details proposals for managing surface water drainage as part of the proposed development. The Local Lead Flood Authority (LLFA) has assessed the submitted information and has advised that additional information is required in order to ensure that the proposals comply with the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems.

As the proposal is not for a major development (below 10 dwellings), the LLFA has agreed that these requirements can be dealt with by conditions in this instance. Subject to these conditions, it is considered that surface water drainage can be managed satisfactorily to ensure there is no increased surface water flood risk to the site or surrounding area.

Contaminated land

The application site is within 250m of historic landfill sites/commercial and industrial activities. The Environmental Health Officer (EHO) has no objection to the application subject to conditions being attached requiring a Phase One survey for ground contamination to be carried out prior to the commencement of development and any subsequently recommended remediation works being implemented.

Thames Basin Heaths Special Protection Area

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

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

As part of the application process the Council has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. Natural England (NE) has advised that it will not object to an Appropriate Assessment (AA) undertaken which concludes no adverse effects on the integrity of the TBHSPA due to measures being secured and required to be put in place through a legal agreement and accord with the provisions of the Development Plan and the adopted Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017.

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

Legal agreement requirements

The three tests as set out in Regulation 122(2) require S106 agreements to be:

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

As the application would result in the net gain of 7 new residential units, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 63 of the Habitats Regulations 2017, a S106 agreement is required to ensure that the additional residential units proposed by this development would not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above.

Provided that a S.106 agreement is in place to mitigate against the likely significant effect on the TBHSPA, the proposed development would be considered acceptable in planning terms in this regard.

Conclusion

There is no objection to the principle of the development and the proposal would deliver a net increase of eight new homes in a sustainable location. The development would not harmfully affect the character or the appearance of the surrounding area, including the setting of the adjacent Wey Navigation Conservation Area and would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties. Subject to the recommended conditions there will be no adverse impact on the ecology of the site or surroundings. The development would not give rise to conditions prejudicial to highway safety and would not impact on the Thames Basin Heaths Special Protection Area.

This application is the subject of a non determination appeal. The Council are therefore unable to formally determine the application. Instead the Council must resolve to 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 to secure the necessary SANG and SAMM contributions, 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.