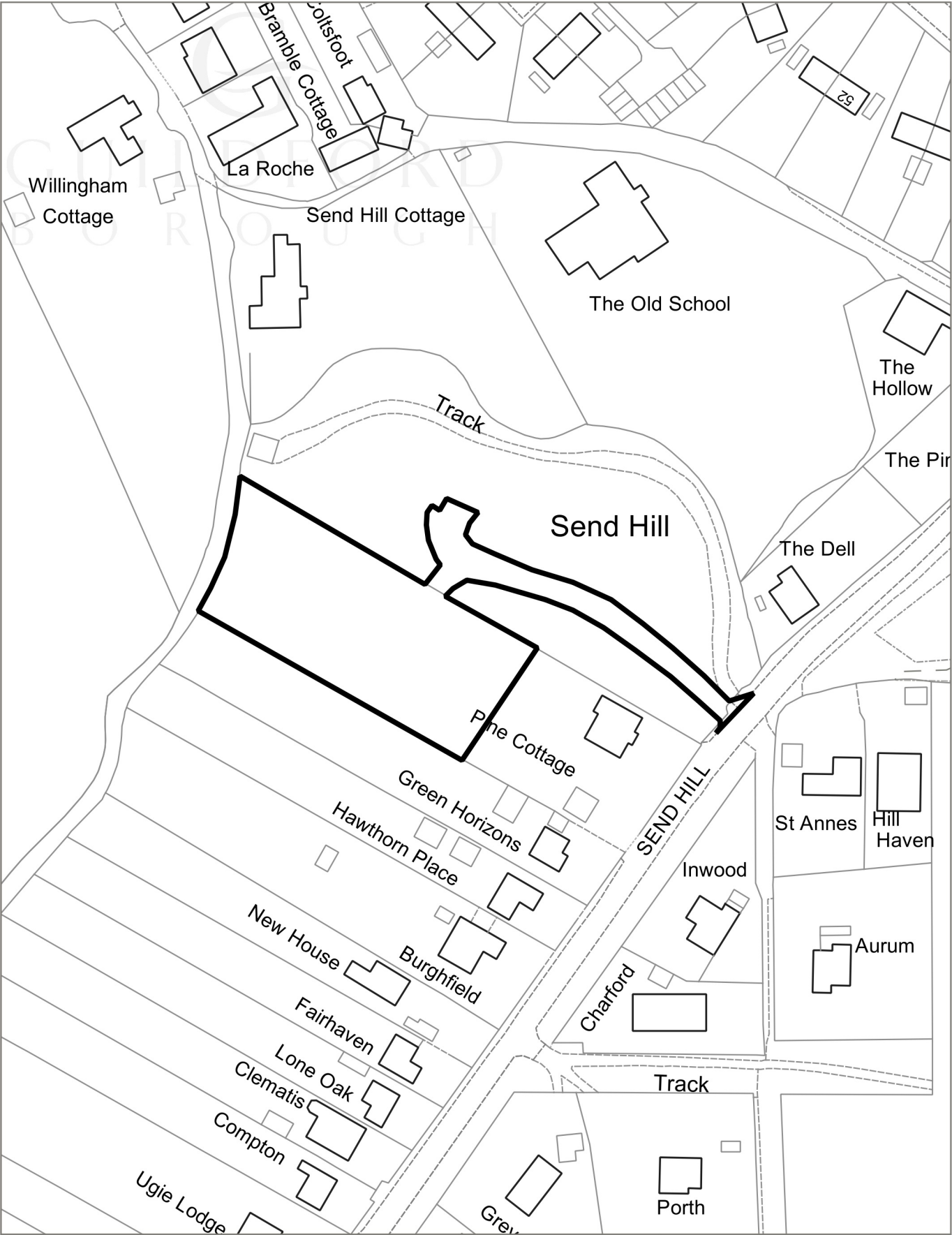


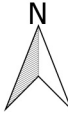
21/P/01658 - Pine Cottage, Send Hill, Send, Woking



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Print Date: 17/11/2021



Not to Scale



GUILDFORD
BOROUGH

21/P/01658 Pine Cottage, Send Hill, Send, Woking GU23 7HR



Not to scale



App No: 21/P/01658
Appn Type: Full Application
Case Officer: Kelly Jethwa
Parish: Send
Agent :

8 Wk Deadline: 08/12/2021

Ward: Send
Applicant: Mr C. White
Antler Homes PLC
Portland House
Park Street
Bagshot
GU19 5AQ

Location: Pine Cottage, Send Hill, Send, Woking, GU23 7HR
Proposal: Proposed erection of 5 dwellings (1no. 2 bed, 2no. 3beds and 2no. 4 beds) with access through the development to the north east approved under application 19/P/00721 along with all associated works.

Executive Summary

Reason for referral

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

Key information

The site is located to the north western side of Send Hill. The site is 0.3ha in area and comprises a large part of the residential curtilage to Pine Cottage; a single detached dwelling with detached garage. Mature hedgerows form a boundary treatment to the south western and north eastern boundaries.

To the south east of the site is Pine Cottage which is not included in the application site, whilst to the north west of the site is open countryside designated as Green Belt. Immediately to the south of the application site adjoins other private residential gardens. To the north east, on adjoining land, residential development is under construction for a scheme of 8 dwellings (19/P/00721).

The site is on land inset from the Green Belt and within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). A public right of way (PROW) runs along the north western boundary.

The proposal would result in the sub-division of the rear garden of Pine Cottage and construction of two-storey housing comprising 3 detached homes and a pair of 2 semi-detached properties. Access via the northern adjacent site would be utilised and serve both developments.

Summary of considerations and constraints

A previous planning application for four dwellings (with an alternative access directly to Send Hill) was submitted in 2019 and refused planning permission (19/P/01686, see 'Relevant Planning History').

Some harm is identified from the loss of the open/undeveloped nature of the site, appreciable from the PROW passing the site to the rear. However, the visual amenity of the site would be maintained from the retention of mature tree and hedgerows along the boundaries.

The proposal would provide a net increase of 5 dwellings contributing to meeting the Council's housing need. The proposed dwellings are designed to meet Nationally Described Space Standards (NDSS).

The proposal represents a well-designed scheme that would respect and complement the context and identity of the settlement. The provision of housing in a sustainable location, and which complies with development plan policies.

Subject to conditions and a S.106 Agreement committing to the Heads of Terms noted below, the application is deemed acceptable and is recommended for approval.

RECOMMENDATION:

Subject to a Section 106 Agreement securing:

(i) That a S106 Agreement be entered into to secure the provision of SANG and SAMM Contributions in accordance with the formula of the updated tariff

If the terms of the S106 or wording of the planning condition are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee.

(ii) That upon completion of the above, the application be determined by the Head of Place.

(iii) That should a satisfactory legal agreement not be completed, the application be refused by the Head of Place, as there would be no mitigation for the Thames Basin Heaths Special Protection Area.

the decision is to:

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:

Ant23365-01
PI-10

Proposed tree survey plan
Proposed site location plan

PI-11	Proposed site block plans
PI-12	Existing site plan
PI-13	Proposed site plan
PI-14 - plot 1 & 2	Proposed ground floor & first floor plans
PI-15 - plot 1 & 2	Proposed elevations
PI-16 - plot 3	Proposed ground floor plan & first floor plans
PI-17 - plot 3	Proposed elevations
PI-18 - plot 4	Proposed ground floor & first floor plans
PI-19 - plot 4	Proposed elevations
PI-20 - plot 5	Proposed ground & first floor plans
PI-21 - plot 5	Proposed elevations
PI-22	Proposed street scenes
PI-23 - plot 1/2	Proposed elevations

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 commence until a Construction Transport Management Plan (CTMP) including layout plan shall be submitted to and approved in writing by the Local Planning Authority, 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;
 The CTMP measures shall be implemented and maintained for the course of the development works.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This is required to be a pre-commencement condition as the details go to the heart of the planning permission as the impact on the highway will be on commencement of any construction activity.

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

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

5. No development (including groundworks and demolition) and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in accordance with the Arboricultural Method Statement and Tree Protection Plan prepared by ACD Environmental, dated 21st July 2021. The tree protection measures shall be maintained for the course of the development works.

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

6. Prior to the commencement of development above the damp proof course (dpc) level, a written schedule including source and manufacturer for details and samples of the proposed external facing and roofing materials including colour and finish shall be 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.

7. Prior to first occupation of the development hereby permitted a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority.

Depending on the time period between the completed ecological surveys and the commencement of development activities, updated survey works may be required prior to drafting this plan. The plan shall also include the additional elements listed below:

- a) aims and objectives of the management plan
- b) description of the ecological features of the site to be managed and habitat condition to be achieved.
- c) timings of maintenance activities and ecological considerations (e.g. avoiding bird nesting season when carrying out vegetation clearance/tree works)
- d) details of the ecological enhancements recommended in section 5.2 of the submitted Ecological Impact Assessment prepared by David Archer Ass. dated 11.09.2021.
- e) all native planting is to be of local provenance.

The LEMP shall be implement in accordance with the approved details and thereafter maintained.

Reason: to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

8. Prior to first occupation, written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include:
- a) all new tree and hedge planting
 - b) positions, height, species, design, materials and type of boundary treatment(s);
 - c) hard surfacing materials;

Development shall be carried out in accordance with the approved details and shall be maintained.

All landscaping work (with the exception of planting, seeding and turfing), shall be carried out prior to the occupation of any part of the development. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species in the same place.

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

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. PL-13, 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.

10. 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. PL-13, for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to travel by means other than private motor vehicles.

11. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

12. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015).

Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

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

13. The development hereby permitted shall be constructed in accordance with the measures in the 'Sustainability and Energy Statement' prepared by Bluesky Unlimited dated 20.07.2021 and achieve or improve upon the standards set out in those documents. The development shall be built in accordance with the approved details and thereafter maintained.

Reason: To ensure that the development would reduce carbon emissions in accordance with the energy hierarchy.

14. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08:00 to 20:00 weekdays and 08:00 to 13:30 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of adjoining properties and roads and so that the development should not prejudice highway safety nor cause inconvenience to other highway users.

15. The window in the flank, facing south elevation of plot 3 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.

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.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted

Officer's Report

Site description.

The application site comprises an area of open land associated with a residential plot located on the north western side of Send Hill known as Pine Cottage.

The site is currently a large part (~60%) of the rear garden for Pine Cottage which is a detached dwellinghouse with associated detached garage. The development site is linear and rectangular in shape (extending to 115 meters in depth) and covers an area of 0.3 hectares. The proposals will retain the existing property and associated garage within a smaller garden.

The land is, at present, laid to lawn and contains a number of small shrubs and trees. The site includes an access ribbon which runs through the adjoining site to the north which is under development linking the development area to Send Hill via an existing vehicular entrance. A public right of way runs to the north-west of the site.

The site is located in the village of Send and has been inset from the Green Belt. The site lies within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area.

The site is located in Flood Zone 1.

Proposal.

The erection of 5 no. residential dwellings with the associated vehicular and pedestrian access via the development to the north east approved under application 19/P/00721 with associated works including car parking, secure cycle storage and landscaping.

Housing mix

1 x 2 bed
2 x 3 bed
2 x 4 bed

Comprising 3 detached properties and 2 semi-detached properties.

Parking

12 spaces provided, each unit will be provided with 2 spaces and an additional 2 visitor spaces are provided.

Building Heights

Due to the topography of the site, the following building heights are proposed:

Plot 1 = 9m
Plot 2 = 8.6m
Plot 3 = 9m
Plot 4 = 8m on front elevation, 9.2m on rear elevation.
Plot 5 = 8m on front elevation, 9m on rear elevation

Relevant planning history.

Reference:	Description:	Decision:	Appeal:
19/P/01686	Proposed erection of four new detached two storey dwellings.	Refused 18/10/2019	

The reasons for refusal were as follows:

1. The proposed development would, by virtue of its design, location and positioning, including the access road, extent of the hardstanding, plot sizes and limited landscaping, result in an undesirable and unacceptable form of backland development, which is out of keeping and detrimental to the established pattern of linear development in the area. As such the development is out of character with and would result in significant demonstrable harm to the prevailing character of the surrounding area. The proposal is, therefore, contrary to policies H1 and D1 of the LPSS, 2015-2034, policy G5 of the saved Local Plan, 2003, the National Design Guide, 2019, the Residential Design Guide, 2004 and the requirements of the NPPF, 2019.
2. The proposal would, by virtue of the positioning and proximity of the access road combined with the intensity of use, result in an arrangement which is detrimental to the peace and quiet of the neighbouring property Green Horizons. Further, as a result of the proposed positioning of the dwellings, in particular, Plots 1 and 2, combined with the proposed removal of boundary vegetation between the application site and this neighbouring property, would result in a harmful loss of privacy. Therefore, the proposal is contrary to policy G1(3) of the saved Local Plan, 2003 and the requirements of the NPPF, 2019.
3. The proposal fails to provide sufficient arboricultural information to either justify removal of the proposed trees or demonstrate that the proposal would not cause damage to the neighbouring trees, therefore, the proposal is contrary to policy NE5 of the Guildford Borough Local Plan, 2003 (as saved by CLG Direction on 24/09/2007).

As well as a reason for no legal agreement.

[Officer Note: The Council is currently in the process of determining an application for a single dwelling on land immediately adjoining the application site to the south east of this application site, planning reference 21/P/01925.

However, this has yet to be determined and is a separate application not linked in any way to this proposal and therefore both applications are to be considered on their own merits.]

[Officer Note: Planning permission was granted at appeal for the development of 8 dwellings to the land immediately adjoining the application site to the north, reference 19/P/00721. The access to the development of 5 dwellings subject to this planning application would be provided from this development.]

Key findings of the inspector from the appeal which was granted included;

- Existing dwellings found along Send Hill are a mix of building styles and heights, including bungalows, chalet style bungalows and two storey dwellings. The proposed scale, form, design, and materials would not be out of character with other buildings on Send Hill.
- It is considered that some degree of green openness would be preserved as well as openness along the proposed shared access, which could be sensitively surfaced. For these reasons it was concluded that the proposed development, although it would mean the loss of the current view of open grassland, would not significantly contradict the principles of Site ETH_068 and in due course would add mature trees and hedges aiding the green and rural character of the Send Hill Character Area E as described in the NP. It would not be so detrimental to visual amenity as to justify refusal.
- The impacts of the proposals on the character of the area would not be harmful in planning policy terms.
- Whilst Guildford enjoys a healthy land supply, the proposal would add to the supply of housing in accordance with the Government's objective of significantly boosting the supply of homes. There would be economic benefits during construction and additional spend in the local economy. More residents would support the local community in line with the NP vision that Send Parish will be vibrant and sustainable with a distinct character, good facilities, a strong sense of community and retain a rural village feel with an enhanced local centre and a mix of housing types for all.
- The distances of the proposed houses from the windows and gardens of other dwellings combined with the orientation of the proposed houses and the retention of trees and hedges would ensure that the privacy of occupiers of adjacent properties would be sufficiently protected in planning terms. I acknowledge that nearby residents would prefer to keep their current view across open land. However, a view by residents of other houses and gardens is not unacceptable in planning terms.
- Send Hill narrows towards the south west but in the vicinity of the appeal site is wide enough for two vehicles to pass. There is a mix of verge and paved footpath on the opposite side of the road and a verge adjoining the appeal site. Satisfactory visibility splays can be provided at the entrance and parking spaces to meet the Vehicle Parking Standards would be provided for each house. Occasional visitor parking could be accommodated along the access road. Neither the Council or the Highway Authority raise objections on highway safety grounds and I find no compelling evidence to conclude otherwise.

[Officer Note: The planning history of Pine Cottage has not been recorded here as the dwelling is not within this application site boundary.]

Consultations.

Statutory consultees

County Highway Authority: The proposed development has been considered by The County Highway Authority have assessed the application on safety, capacity and policy grounds, and recommend conditions regarding the following be imposed in any permission granted: visibility, parking and turning, Construction Transport Management Plans, electric charging, bicycle parking.

Natural England: confirm, Natural England has been consulted on an Appropriate Assessment for the application in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. No objection raised, subject to appropriate mitigation being secured.

No objection to this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured and that as long the applicant is complying with the requirements of Guildford's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Thames Water: No comment received.

Internal consultees

Head of Environmental Health and Licensing: No objection Recommend informative on construction site noise.

Recycling and Refuse: Confirmed no objection.

Tree officer: Confirmed no objection to the proposals, subject to condition.

Parish Council

Send Parish Council: Object due to the following reasons:

- not an allocated site in the Guildford Borough Local Plan, and therefore the site is windfall and there is no demonstrated need for additional homes in this location.
[Officer Comment: Not being an allocated site does not mean that there is an objection in principle to the proposal]
- The proposals fail to reflect the character of the area which is at odds to the linear character of the surroundings owing to the 'small estate style of development'.
- Over development of the plot and the density of housing in the application is considered too high in comparison to the current layout of housing in Send Hill.
- Results in a change of the character of the street scene.
- The proposed properties that would face south-east would overlook neighbouring gardens result in the reduction of privacy and amenity.
- Cumulative impact of infill development on the parish, and the reduction in buffer for 5 year housing land supply from 20% to 5% since the Local Plan was adopted.

- size and mix of housing is considered inappropriate when the SNDP will be looking for housing development in Send Parish to deliver at least 80% of the dwellings as a mixture of 1-3 bedroom units
- access to this development is proposed at one of its narrowest points in Send Hill which can cause issues such as traffic congestion or poor visibility.
- Proposals will result in the removal of many trees causing a loss of wildlife habitat.
- Requests that the LPA ensures that no damage is caused to the Thames Basin Heaths SPA.

Third party comments.

26 letters of representation have been received raising the following objections:

- Impact on privacy and amenity of adjacent properties.
- The site is not allocated for housing.
- Sets a precedent for further backland development.
- Traffic congestion.
- Increase in pressure on local facilities, utilities and infrastructure.
- Loss of amenity space / garden enjoyed by Pine Cottage.
- Lack of affordable housing – 13 houses now proposed, 10% rule needs to be applied.
- Overdevelopment.
- Out of character.
- Loss of trees / hedgerows and impacts on fauna.
- Loss of amenity greenspace.
- Loss of habitats.
- Noise and air pollution.
- Impacts during construction phase.
- Lack of details on landscaping.
- Impact on the Thames Basin Heaths SPA.
- [Officer Comment: Natural England have confirmed they are satisfied with the proposals, providing that appropriate mitigation payments are secured].
- Green belt being built on.
- [Officer Comment: The land has now been inset from the Green Belt and is no longer protected by this designation].
- Lack of notification of proposals and no consultation with future occupiers of adjoining scheme.
- [Officer Comment: The application has been subject to standard statutory consultation processes with neighbour notification and 21 days to comment on the proposals. The scheme does not detail local pre-submission engagement but, while encouraged by the NPPF, it is not a mandatory requirement].

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 5: Delivering a sufficient supply of homes.

Chapter 12: Achieving well-designed places.

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

Planning Practice Guidance (PPG)

National Design Guide (NDG)

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

S1: Presumption in favour of sustainable development
H1: Homes for all.
H2: Affordable homes
P5: Thames Basin Heaths Special Protection Area.
D1: Place shaping.
D2: Climate change, sustainable design, construction and energy.
ID1: Infrastructure and delivery.
ID3: Sustainable transport for new developments
ID4: Green and blue infrastructure.

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

G1	General Standards of Development
G5	Design Code
R5	Protection of Open Space
NE4	Species Protection

Neighbourhood Plans:

Send Neighbourhood Development Plan, 2019-2034:

Policy Send 1 – Design
Policy Send 2 – Housing Development
Policy Send 4 – Green and Blue Infrastructure
Policy Send 7 – Supporting Sustainable Transport
Policy Send 8 – Car Parking Provision

The Plan was adopted following its approval via referendum on 6th May 2021

Supplementary planning documents:

Residential Design Guide, 2004.
Vehicle Parking Standards, 2006.
Thames Basin Heaths Special Protected Area Avoidance Strategy, 2017
Climate Change, Sustainable Design, Construction and Energy, 2020.

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- housing mix
- living environment
- the impact on the scale and character
- the impact on neighbouring amenity
- sustainability
- impact on trees and vegetation
- impact on protected species
- highway/parking considerations

- Thames Basin Heaths Special Protection Area
- legal agreement

The Principle of Development

For the purposes of Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 having been removed from the Green Belt following the adoption of the Local Plan. As the site is not within the Green Belt there is no requirement to assess the proposal against restrictive Green Belt policies.

Within the Send Neighbourhood Plan, Policy Send 2 sets out that development within the settlement of Send inset from the Green Belt will be supported subject to the proposals reflecting the settlement character and pattern and which avoids increase pressure on community and transport infrastructure. Design and infrastructure comments will be provided in the following sections.

The site is currently residential curtilage and is not within an area designated by the local plan. Given the site is partially a private rear garden, the land is not public open space. Policy ID4 seeks to protect all open space within urban areas that provides opportunities for recreation and sport. The scheme would retain a sufficient area of garden for the existing house.

Therefore, the principle of residential development on the site is acceptable.

Housing mix

Overall Housing Mix	No.	SHMA % Req	Provided %
1 bed	0	20	0
2 bed	1	30	20
3 bed	2	35	40
4 bed	2	15	40
Total	5		

Policy H1(1) of the LPSS 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 as set out in the latest Strategic Housing Market Assessment (SHMA) consideration needs to be given to site specific matters which together would shape the appropriate mix on particular sites. The Send Neighbourhood Plan (SNP) supports the application of policy H1 and does not have a separate housing mix that needs to be applied.

Whilst there is an identified need for two and three bedroom homes, there is a requirement for four bedroom properties, and it is of note that the surrounding area is comprised of larger properties. Taking this into account, and the small scale of the development, on balance it is considered to be acceptable in this instance.

Living environment

Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the creation of 3 x 2 bedroom, 2 x 3 bedroom and 3 x 4 bedroom properties.

The applicants have confirmed that the development meets the National Prescribed Space Standards.

	NDSS min. GIA (storage area)	Proposed min. GIA (storage area)
Plot 1: 3 bed, 6 person	95sqm (2.5sqm)	114.64sqm (2.7sqm)
Plot 2: 2 bed, 4 person	79sqm (2sqm)	88.74sqm (2.09sqm)
Plot 3: 3 bed, 6 person	95sqm (2.5sqm)	113.71sqm (2.7sqm)
Plot 4: 4 bed, 8 person	117sqm (3sqm)	178.92sqm (2.4sqm + wardrobes)
Plot 5: 4 bed, 8 person	117sqm (3sqm)	178.92sqm (2.4sqm + wardrobes)

All the proposed dwellings would exceed the minimum space standards in terms of floor area, there are also further requirements in terms of bedroom sizes and dimensions, and it is found that the dwellings would also meet with these requirements.

The proposed garden areas would provide adequate outdoor amenity space. The retained element of the rear garden of Pine Cottage would also be adequate.

Therefore, the proposal is acceptable in this regard.

Impacts on Character and Appearance

The National Design Guide sets out that well-designed development is influenced by local character and the characteristics of existing built form, and it is important to consider the composition of street scenes, the height, scale, massing and relationships between buildings, the scale and proportions of building and landscaping, both hard and soft.

The Council's Open Space, Sport and Recreation Assessment 2017 identifies open space types throughout the Borough. The Assessment of Sites for Amenity Value 2017 document identifies the site within ETH_086. Part of that 'site', land adjacent to the north of this application site, is already being developed, whilst the land subject to this application for planning permission covers the remainder. Whilst the audit scored the site as having medium amenity value, the site classification did not result in the site being designated / protected as open space. The audit concluded that partial development of the site could potentially improve amenity value.

Impacts caused by development on ETH_086 were addressed by the Inspector considering the adjacent site who observed; *"Site ETH_086 has no direct recreational value as there is no public access onto it; has limited ecological value; but, as parts can be seen from either Send Hill or the footpath behind Pine Cottage, it has visual amenity value to nearby residents and passers-by."* Noting the lack of subsequent designation in the Local Plan the Inspector gave did not give significant weight to the loss of the undeveloped character of the adjacent site. Instead it was judged that *"the loss of the current view of open grassland, would not significantly contradict the principles of Site ETH_068"*, and development *"would not be so detrimental to visual amenity as to justify refusal"*.

This site draws comparisons as a screened, private garden area, which offers no public access and is not prominent in views from public vantage points along Send Hill. It is considered that the retention of the site's character cannot be given more than limited weight.

Meanwhile the constraints of the site and its surrounds weigh against allowing partial development with public access to a proportion of the site. It is not sufficiently large enough to provide an area of recreation, and such an approach would fail to make an effective use of land (having regard to paragraphs 119 and 125 of the NPPF).

By making use of the access approved as part of the neighbouring development the site would appear as an extension to that site which offers a more cohesive approach than the development of two separate forms as previously refused.

The immediate surrounding area is residential in character, with this part of Send Hill comprising a mix of building styles and heights, including bungalows, chalet bungalows and two storey dwellings. There is no uniform building height or character. The proposal would comprise traditional materials (to be conditioned), with design elements including tile hanging at upper first floor, brick detailing to the windows, coining, dropped roofs to reduce bulk and utilises both hips and gables to add visual interest. The scheme provides a mixed palette of building designs and materials to provide a unique and visually interesting small development.

Plots 1 and 2 are semi-detached dwellings located on the south eastern side of the site facing onto the access with their rear elevations facing the rear elevation of Pine Cottage. Plot 1 benefits from a gabled roof form which adds visual interest to the street, whilst plot 2 is set back from the front building line to appear subservient to reduce the sense of overbearing.

Plot 3 is a detached dwelling located on the south eastern side of the site, adjacent to the boundary with Green Horizons. This dwelling benefits from a hipped roof form, chimney and porch canopy. A single storey garage will be located to the south west of the dwelling dispersing the scale of development along the boundary with Green Horizons to reduce visual impact and sense of overbearing from the neighbouring rear garden through the setback achieved.

Plots 4 and 5 are detached dwellings that will be located on the north western side of the and will benefit from gabled roof ends taking reference from the existing dwelling at Pine Cottage with brick and tile detailing, chimneys and hipped roof forms above first floor windows. Both properties will benefit from square bay windows at ground floor to add interest.

The previous application for 4 dwellings was refused due to concerns regarding the design and layout of the development as well as the provision of a new access route. This amended proposal overcomes previous concerns owing to the new proposed layout and the removal of the access route along the shared boundary with Green Horizons.

The layout of the previous scheme resulted in the front elevations of dwellings facing directly on to the rear gardens of neighbouring dwellings to the south west of the development site. This layout revises proposals to reduce overlooking; no primary elevations face directly onto the rear gardens of adjoining properties. The inclusion of single storey garages along the boundary that abuts the rear garden of Green Horizons reduces the perceived bulk and scale of the development when viewed from the south west by providing a setback between the two storey dwellings and the boundary, ensuring a reduced sense of overbearing.

The use of the approved access route afforded by the development located immediately to the north of the site has removed the need for an additional access proposed by the previously refused application. As a result, the visual integrity of Send Hill and its linear character is preserved as the development makes use of an existing, established access.

Furthermore, the positioning of the proposals to the rear of Pine Cottage with dispersed trees in the rear garden would limit vantage points of the development when viewed from Send Hill. As a result, the proposals would not encroach upon or interfere with the pattern of the development along the street retaining its verdant open character and rhythm of development.

Due to the scale of the site, there is limited scope for open amenity space to be provided at the site. Nonetheless, a landscape buffer has been provided in the proposals on the north eastern and north western boundaries containing enhanced native planting and retaining trees. Parking has been located in the corners of the development and behind the building line, with some immediately available visitor parking provided as you enter the site in the line with the aspirations of the Guildford Residential Design Guide SPG. The existing mature hedgerow along the shared boundary with Green Horizons would be retained. Owing to the positioning of the dwellings, there will be a good level of overlooking and surveillance over the shared access reducing opportunities for crime and anti-social behaviour.

As was recognised by the Inspector when dealing with the site to the north, here the density of the proposed development would again be higher than the established properties. That is because many of the adjacent existing houses like Pine Cottage benefit from long rear gardens, however. This scheme would be similar in layout characteristics and density to 'Land off Send Hill' (19/P/00721) which has hitherto been found to be acceptable, and is considered to be a reasonable trade off between respecting existing characteristics and (again)making effective use of land.

The proposal comprises a well designed small housing scheme, which retains the visual amenity of the site through the retention of the strip of land to the north boundary, in addition to being located discreetly to the rear of the existing building line along Send Hill. The proposals will not encroach upon the Green Belt at the rear of the site and will respect the townscape of the local vicinity through design features that assimilate with those found in the surrounds. The proposed scale and form of development would not adversely harm the scale and character of Send Hill. Having regard to the National Design Guide it is clear that the proposals respond to local identity and context appropriately through design.

The proposals are therefore considered to be acceptable in this regard and are compliant with Policies H1, S1 and D1 of the Guildford Borough LPSS, Policies G1 and G5 of the Saved Policies of the Guildford Borough Local Plan 2003 and the Guildford Residential Design Guide SPG.

The impact on neighbouring amenity

The closest neighbouring properties are Green Horizons, Hawthorn Place and the retained dwelling at Pine Cottage.

Pine Cottage

Pine Cottage is located to the south east of the site. The rear elevations of Plots 1 and 2 will face the rear elevation of this property but with sufficient separation included between both the rear building lines of the proposed dwellings and the existing dwellings. In addition, there is sufficient space between the rear elevation of the proposed dwellings and the proposed boundary between Pine Cottage and the development. As a result there will be no significant adverse effects from loss of light, overlooking or privacy. No unacceptable harm through noise and disturbance is identified.

Green Horizon

Green Horizons is located to the south west of the site. Plots 3 and 4 will be closest to the shared boundary between the development and this adjoining property. The proposed dwellings will be separated from the rear garden of this property by a mature hedge and the proposed single storey garages. Owing to the positioning and orientation of the dwellings, there will be direct overlooking towards this property. Plot 3 will have one small first floor, side facing window onto the rear garden of this property, which would serve a bathroom. Given this window will not be used by a habitable room and (it would likely be fitted with obscured glass, however a condition requiring this is proposed) it is not considered to result any unacceptable impacts on the privacy of this neighbouring property nor overlooking. Plot 4 will not contain any windows on the side elevation facing this property.

Owing to the separation of the 2 storey dwellings with the shared boundary of this property, due to the positioning of the single storey garages and mature hedgerow between the proposed development and boundary, the proposals are not considered to result in an unacceptable sense of overbearing on this property and its rear garden. Whilst inevitably there will be some loss of outlook from the rear of this property and within the garden, it is not considered to result in a significant adverse effect to its residential amenity. Given the position of the proposed dwellings to the north east of this property it will not result in a loss of and sunlight.

Hawthorn Place

Hawthorn Place is a neighbouring property located to the other side of Green Horizons from the development. Given the significant separation distances between this property and Plots 3 & 4 of the proposed development it is not considered to result in any significant or harmful loss of privacy or impact on amenity at this property.

Properties under development to the North (19/P/00721)

The proposed development sits to the south east of the under construction development of 8 dwellings to the north. Owing to the positioning of the proposed dwellings and the dwellings under construction, no unacceptable loss of privacy or overlooking will arise. Given the mature hedgerows and trees between the two sites, the proposals will be well screened when viewed from the north and as such no adverse impacts on residential amenity have been identified.

No adverse impact to neighbouring residential amenity is identified. The application is therefore acceptable in this regard.

Sustainability

Policy D2 of the LPSS sets out that new dwellings need to achieve a 20% reduction in carbon emissions.

A fabric first approach has been undertaken by the applicant, as demonstrated within the supporting sustainability statement submitted alongside the application meeting Part L1A standards and improvements of U-Values of between 10% - 50% within different elements of the building fabric. Recycled and secondary aggregates will be used where possible, whilst any mineral waste from the proposed works will be reused and recycled to ensure waste minimisation in line with the aspirations of Policy D2.

New development is required to minimise waste, in accordance with the waste hierarchy. A commitment is made in the sustainability statement submitted with the application, however, no specific measures have been provided so a condition for further details would be appropriate to secure this.

With regards to water efficiency, measures have been incorporated to ensure water use is less than 110 litres per person per day including water efficient taps, toilets and showers, water meters and flow restrictors to ensure water pressure achieves optimum levels.

Climate change adaptations include the utilisation of traditional building methods to enable cooling conditions within the summer period with double glazing optimized to balance maximising winter solar gain versus minimising summer overheating. Permeable paving will be utilised to minimise runoff, with soakways and infiltration trenches to slow release water into the ground. Provision has been made for EV charging points.

Whilst the proposals do not make full use of solar gain through positioning the properties to face south, such would cause unacceptable impacts on neighbouring amenity and therefore on balance in this instance this is acceptable.

The impact on trees and vegetation

No objection is raised from the Council's Arboricultural Officer subject to condition which is attached to this recommendation.

The proposal would retain the trees and mature hedgerows to the site boundaries. Tree removals will be limited to two Douglas Fir for the access arrangement, which will in turn enable the retention and protection of the boundary English Oak tree. Given the high number of Douglas Fir trees on the shared boundary, the proposed removals will not lead to a detrimental impact on the landscape.

Root Protection Areas will be protected from construction activities with barriers erected to create a construction exclusion zone. Ground protection methods will be utilised where works will encroach upon the RPAs. The proposed driveways of Plots 1 and 5 will have a no dig surface to ensure sensitive construction can be carried out to protect the amenity of the trees.

The impact on protected species

An ecology report accompanies the application, setting out proposed mitigation measures. The site comprises amenity grassland with hard standing, scattered trees, hedgerows and ornamental planting which are of local level importance. Whilst no bats were recorded emerging from the site, it does have local value for foraging and commuting bats. As part of the mitigation, trees and hedge rows will be retained where possible and replanted where lost. Any vegetation will be cleared outside of nesting season to protect birds, whilst hedgehog links will be provided within new fencing. Ecologists will be brought to the site for advice if any protected species are encountered. In order to ensure the ecological value of the site is enhanced, the proposals incorporate additional native planting, the installation of wildlife boxes and a dedicated grass and log pile.

It is considered reasonable to attach a condition to ensure the development is carried out in accordance with the proposed mitigation to ensure the proposal would not result in harm to any protected species and would therefore be compliant with policy ID4 of the LPSS, 2015-2034, policy NE4 of the saved Local Plan, 2003 and the requirements of the NPPF, 2019.

Surrey Wildlife Trust (SWT) and Natural England have been consulted on the application. Natural England raise no objection subject to securing appropriate mitigation in line with the Council's adopted Strategy. SWT meanwhile advocate the use of a LEMP condition and this is agreed to be reasonable. A condition requiring this at the appropriate stage is included.

Highways and parking considerations

This application is accompanied by a Transport Note prepared by Paul Basham Associates (July 2021). This considers the existing highway conditions, infrastructure and impacts of the proposals including from additional traffic generation.

The proposal would use the existing access arrangement approved under planning application 19/P/00721, which will provide access from the north east of the site through the adjoining development onto Send Hill. The link to the adjoining development under construction will be provided through an existing gap in the hedgerow.

This proposal and the impacts of the development have been reviewed and concluded to be acceptable by Highways Officers at Surrey County Council who have confirmed that the proposals will result in a small increase in vehicle movements to and from the site and therefore will not result in a significant increase in vehicular trips on the surrounding highway network.

The proposal provides 12 parking spaces to serve 5 dwellings, this allows for 2 spaces per unit as well as 2 visitor spaces. Cycle parking is also proposed with 2 secure cycle parking spaces provided at each dwelling in the attached garages / outbuildings. Therefore the proposals are considered to be in line with the requirements of the Guildford Parking Standards SPD.

With regards to refuse and waste collection, comments have been made by the Refuse and Waste Officer at the Council which have been carefully considered. No objection was made to the proposals.

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

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 of £32,054.06 and an Access Management (SAMM) contribution of £3,795.24 to avoid any adverse impact in line with the tariff within the annual updating of 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. An AA has been produced and this would comply with standing advice from Natural England.

Legal agreement requirements

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

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

As the application would result in the net gain of 5 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.

As set out above any subsequent section 106 legal agreement would require the applicant to make payment in line with the SANG and SAMM contributions as set out by the TBHSPA Avoidance Strategy 2017 and the associated tariff within the annual updating of off site contributions to Special Protection Area Mitigation and Open Space.

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

Conclusion

The site has been inset from the Green Belt. The site comprises privately owned open land within the curtilage of an existing dwelling and is in a sustainable location where residential development is acceptable in principle in line with development plan policies.

The land is part of a site which has been identified to have amenity value. The consideration by the appeal Inspector on the site to the north is noted, and the conclusions from that decision (referenced above) are a material consideration. The site is not visible directly from the street, with no public access. While it makes a limited contribution passing the site along the PROW to the north west in combination with development to the north any contribution the land makes, other than from the mature planting on the boundary (which would be retained in addition to the proposed landscape buffer) is not considered to be significant enough to warrant refusal when weighed against the benefits of the scheme.

The benefit of 5 additional dwellings would in the balance outweigh the limited identified harm. The scale, layout and design of the development is sensitive to its location and represent good quality design. No unacceptable harm is identified to residential amenity or in other respects subject to conditions and planning obligations.

Subject to the following conditions and a S106 agreement that secures appropriate mitigation for identified harm to the Thames Basin Heaths SPA the proposals are considered to be acceptable and planning permission should be granted.