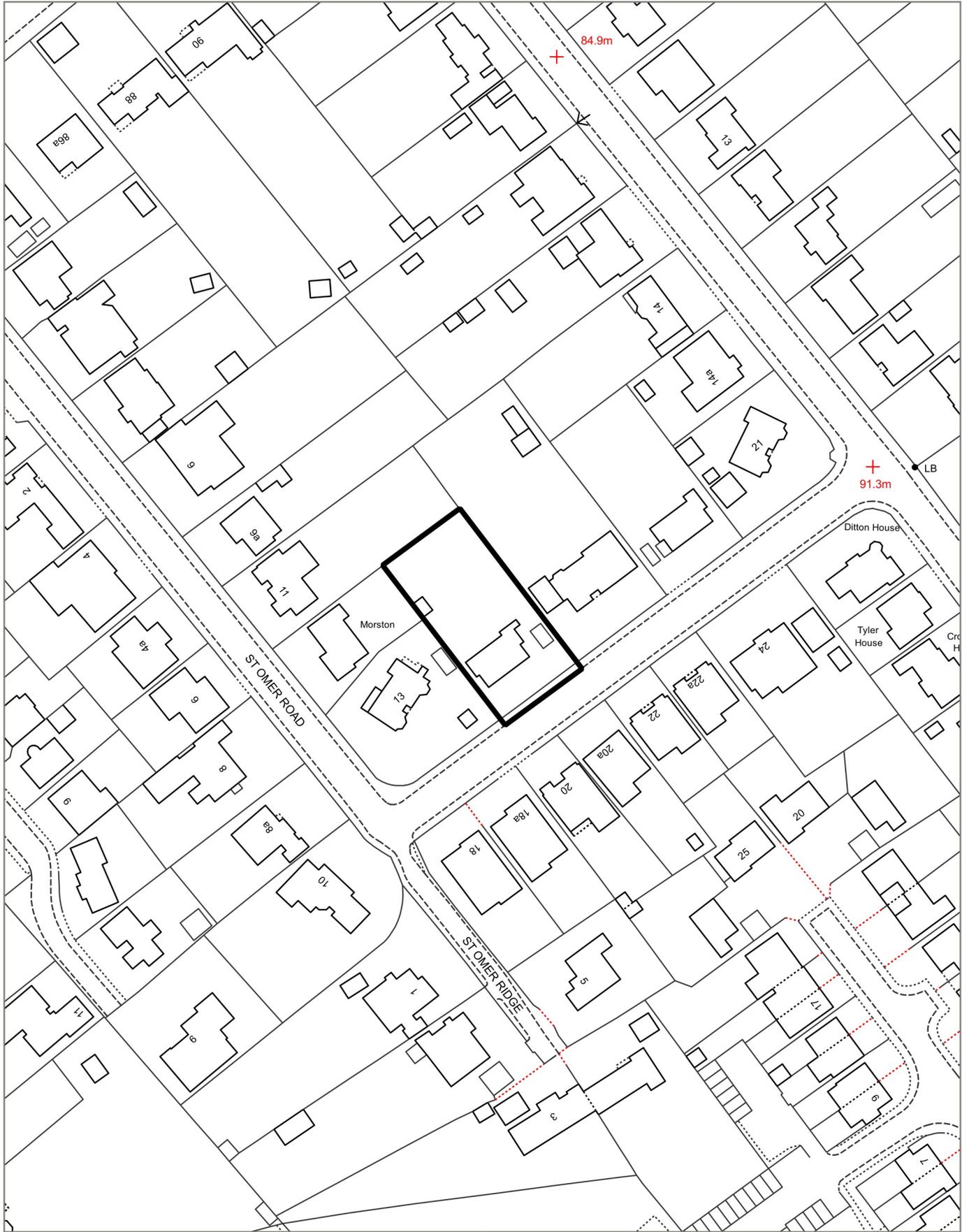


23/P/02046 - 15 St Omer Road, Guildford



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Print Date: 09/02/2024



Not to Scale



GUILDFORD
BOROUGH

App No: 23/P/02046

8 Wk 02/02/2024

Deadline:

Appn Type: Full Application

Case Officer: Nicola Powis

Parish: Castle

Ward: Castle

Agent : Mr Conoley
Michael Conoley
Associates
Abbey House
Hickleys Court
South Street
Farnham
GU9 7QQ

Applicant: Oakesfield Properties Ltd
t: 1 Enterprise Way
London
SW18 1FZ

Location: 15 St Omer Road, Guildford, GU1 2DA

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for the Variation of Condition 2 (approved plans) to create habitable accommodation in the roofspace with dormer and gable windows as well as rooflights to planning permission 23/P/00694 approved 14/11/23 for the demolition of existing dwelling and outbuildings and erection of two detached dwellings

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

This is a Section 73 variation of condition application to vary the approved plans from permission reference 23/P/00694 approved 14/11/23 for the demolition of existing dwelling and outbuildings and erection of two detached dwellings.

As approved the two dwellings have four bedrooms each on two floors. This proposal would provide a fifth bedroom within each dwelling in the roofspace of the already approved dwellings.

The approved dwellings are both 8.7 m in height and this would remain as approved. The external amendments to the approved dwellings would be the addition of one dormer window in the front and rear of each dwelling, the insertion of rooflights in both side elevations of both dwellings (two in the north east side of plot 2 and the south west side of plot 1 and three in the south west side of plot 2 and the north east side of plot 1) and the insertion of windows into the top of the approved gable ends in the front and rear elevations. Internally an en-suite guest room would be provided with a store to the rear.

Summary of considerations and constraints

The impact of the bulk and scale of the buildings has already been approved in permission 23/P/00694. This application is therefore only considering changes in impact that would occur from the addition of the proposed dormer windows, gable end windows and rooflight.

The site is located within the Urban Area of Guildford where a number of older dwellings have been replaced with substantial detached dwellings. There are a number of two and half storey dwellings in the immediate vicinity, with rooms within their roofspaces as proposed in this amendment to the approved scheme. The impact on the amenities of neighbours and on the character of the area from the proposed changes has been assessed and is considered to be acceptable.

Accordingly, planning permission is recommended subject to conditions.

A Unilateral Undertaking has been signed with regards to providing mitigation against the impact of the additional dwelling on the Thames Basin Valley Special Protection Area. This agreement would require a Deed of Variation to refer to the current application reference and amend the amount payable from that for a four bedroomed dwelling to a five bedroomed dwelling, should it be resolved to permit this application.

RECOMMENDATION:

Subject to a Section 106 Agreement securing the appropriate additional financial contributions to mitigate the impact of the proposals on the Thames Basin Heaths SPA the decision is to:

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

1. The development hereby permitted shall commence not later than the expiration of three years from the date of the original planning permission, 23/P/00694, approved on 14/11/2023.

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 drawings:

Proposed site plan (dwg. 1728/P-01, Rev. A; dated 06/2023) received 14 December 2023

Proposed floor plans, roof plan and Section B-B (dwg. 1728/P-102 dated 12/23) received 7 December 2023

Proposed elevations (dwg. 1728/P-103 dated 12/23) received 7 December 2023

Proposed street scene (dwg. 1728/P-104; dated 12/23) received 7 December 2023

Existing plans and elevations (dwg. 1728/S-02; dated April 2023)

Existing outbuildings plans and elevations (dwg. 1728/S-03; dated April 2023)

Existing street scene (dwg. 1728/S-04; dated April 2023)

Swept Path Analysis (dwg. 2302049-TK01)

Reason: to ensure that the development is carried out in accordance with the approved plans and in the interests of

proper planning.

3. Prior to the commencement of any development above slab level, a written schedule with details of the source/manufacturer, colour and finish of all external facing and roof materials. This must include the details of embodied carbon/energy (environmental credentials) of all external materials. These shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using only those detailed.

Reason: To ensure that a satisfactory external appearance of the development is achieved and to ensure materials that are lower in carbon are chosen in accordance with Policy D1, D4 and D14 of the Guildford Local Plan.

4. The development shall not be occupied until details relating to two bays per dwelling for vehicle parking in the forecourt and for vehicles to turn so that they may enter and leave the site in forward gear in accordance with the Highway Authority's standards are submitted and approved in writing by the Local Planning Authority and will be constructed and provided and the vehicle parking spaces shall thereafter be retained for the sole benefit of the occupants of the dwelling for that use.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 "Promoting Sustainable Transport" in the NPPF and in compliance with Policy ID10 and the Vehicle Parking Standards SPD of the Guildford Local Plan.

5. No part of the development shall be commenced unless and until the proposed vehicular access and modified vehicular access to St Omer Road have been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of

any obstruction over 0.60m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021, SCC Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development (February 2023), and in accordance with Policy ID3 of the Guildford Local Plan.

6. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities for each dwelling have been provided within the development site in accordance with a scheme to be submitted to and approved in writing prior to occupation by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policy ID9(2)(3a)(4) and Paragraph 6.132 of the Guildford Local Plan.

8. The approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared by SouthOaks Arboricultural Consultancy Revision 2, submitted with planning application reference 23/P/0694, must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in

the interests of the visual amenities of the locality.

9. No above ground works shall take place (excluding ground works and construction up to damp proof course and the construction of the access) until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials, and type of boundary treatment/means of enclosure to be erected around and within the application site. Development shall be carried out in accordance with the approved details and shall be maintained in perpetuity.

Reason: to safeguard the open plan character and enhance the appearance of the development in accordance with Policy D7 of the Guildford Local Plan.

10. No development shall take above slab level until full details of both hard and soft landscape proposals for the area forward of the building line across the site has been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, dormer windows, rooflights, doors or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of the dwellings hereby permitted.

Reason: In the interests of residential amenity and privacy

12. The hardstanding area hereby permitted on the frontage shall have a permeable (or porous) surfacing which allows water to drain through, or surface water shall be directed to a lawn, border or soakaway, so as to prevent the discharge of water onto the public highway and this should be thereafter maintained.

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

13. The development hereby permitted shall only be completed in accordance with the measures set out in the Energy Demand & Sustainability Statement prepared by Specialist Building Surveys Ltd, in the submitted Energy and Sustainable Development Questionnaire and the SAP10 "As Designed" New Dwelling Calculations for Part Lv1 (submitted with application reference 23/P/00694) and thereafter shall be maintained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development.

14. 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.

15. No development shall take place above slab level until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the

occupation of the development hereby approved.

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

16. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced.

17. The dormer windows in the rear elevations of each dwelling, the gable end windows at second floor level in each of the dwellings and the rooflights in the south-west side of plot 1 and north-east side of plot 2 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. 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:
 - a) Offering a pre-application advice service;
 - b) 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; and,
- c) 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 application, pre-application advice was not sought by the Applicant prior to submission and the application was acceptable as submitted.

2. If you need any advice regarding Building Regulations, please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk. Please note that all new dwellings should comply with the Building Regulations Part L 2010 as amended 2023 which is applicable for all buildings post 15 June 2023.
3. Demolition works: the Applicant must give Building Control service at least six-weeks' notice of any intended demolition works; refer to [Get guidance for your demolition work - Guildford Borough Council](#).
4. The permission hereby granted shall not be construed as authority to carry out any works on the public highway. The Applicant is advised that prior approval and agreement 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. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
5. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

6. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

Officer's Report

Site description.

The application site comprises a single storey detached dwelling situated on a spacious linear plot on the north-western side of St Omer Road. St Omer Road historically comprised of large, detached houses with garages, located fairly close to the road affording large rear gardens. More recently, a number of sites have come forward for sub-division for large, detached dwellings with forecourt parking. The emerging character is of two-storey dwellings (some with rooms in their roofspace), with forecourt parking set behind retained/ new hedge planting and/ or

with low perimeter wall and railings to reflect the historic streetscene. The streetscene is very urban framed by hedges with little tree planting.

The site is located in the Urban Area of Guildford and is located within the Thames Basin Heaths SPA 400m to 5km Buffer zone.

Planning permission has been granted, but not implemented, for the demolition of the existing bungalow and its replacement with two substantial detached two-storey dwellings.

Proposal.

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for the Variation of Condition 2 (approved plans) to create habitable accommodation in the roofspace with dormer and gable windows as well as rooflights to planning permission 23/P/00694 approved 14/11/23 for the demolition of existing dwelling and outbuildings and erection of two detached dwellings. There would be one new dormer window in both the front and rear elevations of each dwelling and one new window in the gable end at both the front and rear of each dwelling. Plot 1 would have three new rooflights in its north-east side elevation and two in its south-west side elevation and plot 2 would have two new rooflights in its north-east side elevation and three in its south-west side elevation.

Relevant planning history.

23/P/00694 - Demolition of existing dwelling and outbuildings and erection of two detached dwellings Approved 14/11/2023

Consultations.

Statutory consultees

County Highway Authority: Satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

Thames Water - No comments to make

Internal Consultees

Environmental Health Officer: No comments to make

Third party comments:

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

- Object to increase in bulk of the structures and the impact of this on the character of the area;
- Concern regarding the increases in 'habitable height' of the structures and consequent impact on privacy of neighbouring properties;
- 'Extensive increase' in the mass of the dwellings from that approved;
- Removal of trees from the site would exacerbate overlooking issues;
- The dormer window on 18 St Omer Road is more in scale with that dwelling than these proposals would be;
- Concerned that obscure glazed windows would be openable so the obscure glazing would not protect privacy;
- Proposed dwellings are on higher land than neighbours which would increase overlooking;
- Concern about noise from proposed roof terraces [Note: these are on the approved application and are not additions in this application];
- Impact on neighbours' sunlight and daylight;
- Additional windows would increase energy consumption for heating and cooling the building;
- Concern that this proposal would be a major change to the approved plans and not 'minor' as described in the application [*Officer Note: this is a variation of plans application and not a non-material amendment application*].

Planning policies.

National Planning Policy Framework (NPPF) 2023:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
South East Plan 2009:

NRM6: Thames Basin Heath Special Protection Area

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.0 years based on most recent evidence as reflected in the GBC LAA (2023). In addition to this, the Government's latest Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 223 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

Policy S1: Presumption in favour of sustainable development

Policy P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

Policy P5: Thames Basin Heaths Special Protection Area

Policy D1: Place shaping

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

Guildford Borough Local Plan: Development Management Policies (LPDMP) 2023:

Policy H4: House Extensions and Alterations including Annexes

Policy P6: Protecting Important Habitats and Species

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D11: Noise Impacts

Policy D12: Light Impacts and Dark Skies

Policy D16: Carbon Emissions from Buildings

Policy D17: Renewable and Low Carbon Energy Generation and Storage

Policy ID10: Parking Standards for New Development

Supplementary Planning Documents

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

Residential Extensions and Alterations SPD (2018)

Parking Standards for New Development (2023)

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2017)

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the approved dwelling and the surrounding area
- the impact on neighbouring amenity
- highway/parking considerations
- impact on trees and vegetation
- sustainability
- Thames Basin Heath Special Protection Area (TBHSPA) and Appropriate Assessment (AA)
- legal agreement requirements

The principle of development

The principle of replacing the existing bungalow on this site with two new substantial dwellings has already been accepted. The site is in a sustainable urban area location where new development is seen to be sustainable by Policy S1 of the LPSS and the NPPF. This is a S73 application to vary the approved drawings, and this would be acceptable in principle subject to the amendments being in accordance with Guildford Local Plan and NPPF Policy requirements. Relevant issues will be considered below.

Impact on the character of the approved dwellings and the surrounding area

Planning permission has already been granted to demolish the existing detached bungalow and to replace it with two, two storey, detached dwellings. The approved dwellings had accommodation on two floors, and each would have four bedrooms. The amendments would see one dormer window added in both the front and rear elevations of each of the dwellings, and there would be three rooflights added in the north-east side elevation of plot one and the south-west elevation of plot two and two rooflights added in the south-west side elevation of plot one and the north-east elevation of plot two. There would also be a window

added in both the front and rear gable of each dwelling, all new windows serving new rooms in the roofspace.

The proposed new windows would allow the provision of a fifth bedroom in each of the dwellings (with an ensuite bathroom).

Policy D1 of the LPSS requires development to achieve a high quality design that responds to local character. More detailed guidance is provided in Policy D4 of the LP DM Policies. New development should contribute to local distinctiveness by demonstrating a clear understanding of the place. Design should be of a high quality, evolving in a way which relates to the form and scale of buildings, appearance, landscape, materials and detailing. Whilst the dwellings have not yet been built, the design has been approved, so the Residential Extensions and Alterations Design Guide SPD 2018 is also of relevance. This advises that front extensions should maintain a good relationship with the neighbouring properties and street (a new front dormer window would be added to each dwelling). With regards to roof conversions, the guidance states that careful consideration should be given to the size and design of dormer windows which need to be sympathetic to your and neighbouring properties. Dormer windows should be set down from the main ridge line and reflect the style and proportion of windows on the existing house. They should be subordinate features on the roof and should not occupy more than half the width or depth of the roof. The guidance states that flat roofs should be resisted. In this case, the proposed dormer windows would be in proportion with the already approved windows in the front and rear elevations of the dwelling and would be of a subordinate scale on the roofscape. The dormer windows would be about 1.5m wide, with their flat roofs being about 2.3 m wide. They would be about 1.2 m in height and would protrude out from the roofslope by a maximum of 1.5m. The proposed dormer windows are considered to be in scale and proportion with the approved dwelling designs. Whilst they are proposed to have flat roofs, this would be in keeping with two of the opposite dwellings, the redeveloped 18 St Omer Road. The two dwellings on that site were designed by the same architect as the two approved on this site.

The proposed windows in the front and rear gables and the proposed rooflights would not add to the bulk of the building, although they would alter its appearance. It is not considered that the proposed windows or rooflights would adversely affect the appearance of the buildings such that refusal could be justified. Other dwellings in the vicinity have similar gable windows serving second floor

accommodation.

As approved the dwellings would be substantial four bed roomed houses and it is not considered that the increase to five bedrooms would adversely affect their character. The proposal is considered to be acceptable in terms of the retention of the character of the approved dwellings.

In terms of the impact on the wider area, the already approved application to demolish the bungalow and replace it with two large dwellings has already been accepted a significant change to the character of the immediate area. The proposed dormer windows have already been assessed as being in character with other existing dormer windows on nearby dwellings and whilst the new rooflights would be visible from side views of the dwellings they would not add any actual bulk to the dwelling nor have any significant visual impact.

The approved dwellings were assessed as being in keeping with the size and character of surrounding buildings and it is not considered that the proposed amendments would alter this assessment.

The proposal would therefore be in accordance with Local Plan policies D1 and D4 and with NPPF Policies in Chapter 12, which aim to seek well-designed places.

The impact on neighbouring amenity

Policy D5 of the Local Plan DM Policies seeks to protect the amenities of occupiers of neighbouring properties.

The proposed dormer windows would add little actual bulk compared to the scale of the dwellings as already approved and it is not considered that they would lead to overshadowing or loss of light or sunlight to neighbours.

A number of objectors have referred to loss of privacy from the proposed additional windows.

In terms of views towards neighbouring dwellings, numbers 18a, 20, 20a and 22 St Omer Road are the closest dwellings opposite the site. The new dwellings would be set slightly further back on the site than the existing dwelling is, at 8.8m from the highway. There would be some 27.5m between the fronts of dwellings,

which is characteristic of the immediate area and is spacious compared to many suburban situations. The proposed dormer windows would be inset into the roof, setting them further away from the opposite dwellings and neither those nor the proposed gable windows are considered to detract further from the privacy of the dwellings opposite than the approved first floor windows would.

The proposed dormer windows in the rear elevations of the two dwellings would have views over a number of rear gardens in dwellings fronting onto St Omer Road, Tangier Road and Epsom Road. The two closest dwellings that would have direct overlooking from the new rear windows would be Morston and 11 St Omer Road, with more oblique views across the rear garden of 17 St Omer Road. The land slopes away to the rear of the site and it is acknowledged that the higher level would increase the degree of overlooking from second floor windows. However, the rear gable windows would serve 'store' areas and the rear dormer window would serve a bathroom. Neither of these would be habitable rooms with a need for views out and it is recommended that they both be required by condition to be obscure glazed and non-opening below 1.7m.

The rooflights in the side elevations are shown to be small and set high up in the roof slope. The two rooflights on the south-west side facing towards 13 St Omer Road are shown as being obscure glazed, as are the two in the north-east side elevation facing 17 St Omer Road. They would be above the stairway so would provide light, but no views out would be required, and they are recommended to be required to be obscure glazed and non-opening below 1.7m above floor level.

The proposed rooflights in the north-east side elevation of plot 1 and the south-west side elevation of plot 2 would provide additional light to bedrooms and bathrooms. Any views out would be between the two new dwellings and no other neighbours' amenities would be affected by these. It is not considered that there would be any other additional impact on neighbours' amenities over and above any impacts from the already approved development.

The proposal would therefore be in accordance with Policy D5 and with the requirements of the NPPF with regard to protection of amenity.

Highway/parking considerations

Parking requirements are set out in Policy ID10 of the LP DM Policies and in the

Parking Standards SPD 2023.

There is no difference in parking requirements between a four bedroomed dwelling and a five bedroomed dwelling so no additional conditions would be required in relation to parking.

Impact on trees and vegetation

Issues relating to trees have already been considered in the original permission and there are no changes to the block plan layout proposed that would affect this.

Sustainability

The original application was supported by a Climate Change, Energy and Sustainable Development Questionnaire (received 4 May 2023) which indicates that appropriate regard has been given to the disposal of demolition material, reuse of materials, and an energy efficiency approach through the new building.

The application shows the installation of photovoltaic panels on the top, flat part of the roof (Proposed floor plans, roof plan and Section B-B (dwg. 1728/P-02; dated April 2023)) which will not be visible from the street, neighbouring properties, and are located as such to maintain the design integrity of the building. These provisions have not been changed in the current application, which only seeks to vary the approved plans.

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

The application site is located within the 400m - 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use.

The proposed development may adversely impact the TBHSPA due to the net increase in a residential unit 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 off-site contributions document.

The previously approved application was granted permission subject to the completion of a Unilateral Undertaking to secure the above contributions as mitigation. Without the completion of a legal agreement the development would impact on the TBHSPA and would fail to comply with the Thames Basin Heath Avoidance Strategy and is contrary to policy NRM6 of the South East Plan, 2009, policies P5 and ID4 of the LPSS, 2015-2034.

If permission is granted for the amendments applied for a variation to the Unilateral Undertaking would be required both to refer to the current application and because the proposed dwellings would be larger (5 bedrooms rather than 4). A Deed of Variation would therefore be required to secure SAMM and SANG payments in order to meet the mitigations set out within the Appropriate Assessment agreed by 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 one new residential unit, 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, an amended S106 agreement is required to ensure that the additional residential unit 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.

It is concluded that the proposed amendments to the drawings to add windows in order to create habitable space within the roof would be acceptable, subject to the recommended conditions and to a variation of the S106 agreement on the original permission.