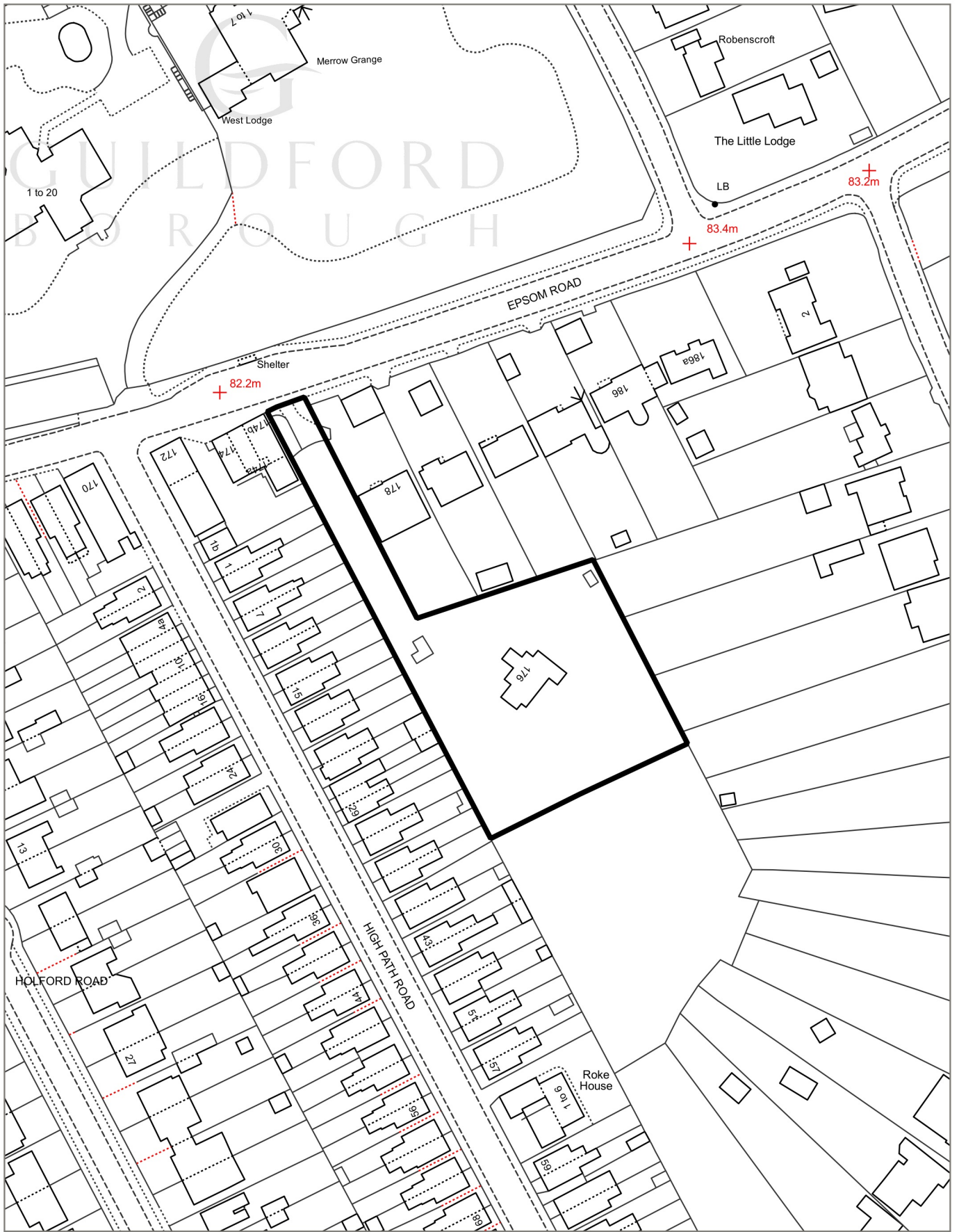


# 23/P/00139 - 176 Epsom Road, Guildford



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Print Date: 22/10/2024



Not to Scale



GUILD FORD  
BOROUGH

23/P/00139 – 176 Epsom Road Guildford



Not to scale

**App No:** 23/P/00139  
**Appn Type:** Outline Application  
**Case Officer:** Justin Williams

**8 Wk Deadline:** 08/11/2024

**Parish:** Merrow  
**Agent :** Mr Ross Mayger  
Sworders  
11 Holkham Studios  
Longlands  
Holkham Estate  
Wells-next-the-sea  
NR23 1SH

**Ward:** Merrow  
**Applicant:** Mr Duncan  
176 Epsom Road  
Guildford  
Surrey  
GU1 2RR

**Location:** 176 Epsom Road, Guildford, GU1 2RR

**Proposal:** Outline planning application with all matters reserved except for access for the demolition of the existing residential dwelling and outbuildings and erection of 4 dwellings (C3) with associated infrastructure. (amended plans and amended description 11 September 2024)

## **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**

The application is outline planning permission for the erection of four properties, following the demolition of the existing dwelling. The applicant has submitted indicative plans showing the location of the proposed dwellings and their sizes being two x three bedroom units and two x four bedroom units. Each would have a good-sized private amenity area to the rear and off-street parking. The proposal would utilise the existing access to the site.

Access only is to be considered at outline stage, appearance, landscaping, scale and layout will be agreed through a reserved matters application(s). The site is located in a residential area with varied style of properties and commercial units along Epsom Road.

The site does have a number of mature trees on the site and will result in the removal of trees, however the trees are not protected by any Tree Preservation Orders and the site is not located within a Conservation Area. Therefore, they can be removed without needing any permission from the Local Authority.

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

The site is located within the urban area and would result in the net increase of 3 properties at the site. No objections have been received from statutory consultees. The primary consideration is the principle of the quantum of development for three additional properties and the access to the site. Landscape, appearance scale and layout are to be considered under subsequent reserved matters application(s). The site is located within the 0.4-5kms buffer zone of the Thames Basin Heath

Special Protection Area, and the applicant has agreed to enter into a unilateral undertaking for the mitigation on the Special Protection Area.

**RECOMMENDATION:**

**That delegated authority be granted to the Assistant Director of Planning to grant planning permission subject to a Unilateral Undertaking being entered into to secure the provision of SANG and SAMM Contributions in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heath Special Protection Area.**

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 221318-PL-004 rev D and 221318-PL-005 received 12 September 2024

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

4. No development shall start on site until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of neighbouring residents and the locality.

5. No part of the development shall be commenced unless and until the proposed vehicular access to Epsom Road has been constructed and visibility zones provided in accordance with the approved plans, Drawing No. F21134/01 Rev A, and thereafter the access shall be kept permanently clear of any obstruction over 0.60 m high.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable transport in accordance with the requirements of the NPPF and Policy ID3 of the Guildford Local Plan Strategy and Sites 2019

6. 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. 221318-PL-004 Rev D, 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 does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable transport in accordance with the requirements of the NPPF and Policy ID3 of the Guildford Local Plan Strategy and Sites 2019

7. The development hereby approved shall not be first occupied unless and until facilities for high quality, secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing 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 In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable transport in accordance with the requirements of the NPPF and Policy ID3 of the Guildford Local Plan Strategy and Sites 2019.

8. Prior to commencement of development an appropriately detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the LPA.

The LEMP shall include, but not be limited to following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management bodies responsible for its delivery.

- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- k) Sensitive Lighting Management Plan.

The development to be implemented in accordance with the approved LEMP.

Reason: To protect ecology.

9. Prior to commencement an appropriately detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP should include, but not be limited to:
- a) Map showing the location of all of the ecological features.
  - b) Risk assessment of the potentially damaging construction activities
  - c) Practical measures to avoid and reduce impacts during construction.
  - d) Location and timing of works to avoid harm to biodiversity features.
  - e) Responsible persons and lines of communication
  - f) Use of protected fences, exclusion barriers and warning signs.
  - g) Details of a dust and air pollutant emissions control measure from the construction activities and vehicles/machineries. This should identify all the potential sources of air quality emissions, both onsite and offsite due to construction activities. The method statement should provide details of control measures that will be employed to minimise these emissions.

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

Reason: To protect the surrounding ecology and any protected species found at the site and to minimise the potential dust soiling effects on the occupiers and users of the adjacent neighbouring properties.

10. 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 2024

11. 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.

12. No development shall take place 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 agreed 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.

13. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In the interests of residential amenity and local wildlife.

#### **Informatives:**

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

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

- Pre-application advice was not sought prior to submission and :

Minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes

3. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
4. 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 2024. 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.

5. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises.
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 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](http://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. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
8. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:  
-  
8.00am - 6.00pm Monday to Friday  
8.00am - 1.00pm Saturday  
and not at all on Sundays and Bank Holidays

## **Officer's Report**

### **Site description.**



176 Epsom Road is a two storey detached property located within a residential area of Merrow. The property is set back from the road and is accessed by a shared driveway which also serves No. 178 Epsom Road. The property is located behind the rear gardens of three properties, there is mature planting along the rear boundaries. The access drive runs along the rear of garden areas of properties in High Path Road.

The surrounding area has a mixed style of residential properties, with those along Epsom Road having off street parking, with properties in High Path Road having on street parking. The access is located adjacent to an existing veterinary surgery and corner shop with a bus stop opposite the entrance way and a traffic light control pedestrian crossing to the west of the access drive.

The site lies within the urban area and is within 0.4 - 5 kms of the Thames Basin Heath Special Protection Area.

### **Proposal.**

The application seeks outline planning application with all matters reserved except for access for the demolition of the existing residential dwelling and outbuildings and erection of 4 dwellings (C3) with associated infrastructure. (amended plans and amended description 11 September 2024) The amendments reduced the number of units from six to four dwellings. The amendments also changed the layout of the proposal from a courtyard style development to a more linear form of development.

Whilst the application is outline, the application has submitted indicative site layout plan. This shows each of the properties have private parking spaces for two cars each. The properties would retain a separation distance of approximately 21 metres to the northern boundary with at least 16 metres to the southern boundary. There would also be approximately 7 metres to the eastern and western boundaries.

The site has mature planting on all boundaries with the mature trees on the boundaries to be retained.

The applicant has submitted an updated Arboricultural Impact Assessment which notes that 15 individual trees are to be removed, a small number of groups of trees within the site are also to be removed. The statement notes that the trees to be removed are in poor condition. In addition, the species are not rare or unusual.

The applicant has also submitted a preliminary ecological appraisal in support of the application which states that there are no protected species on the site with the buildings and trees having no roosts. There was a moderate potential for one tree to be suitable for roosting bats and this tree is to be retained in the revised plans.

The submitted Transport statement notes that Epsom Road is a 30 mph road. The proposed additional units would increase trips to the site, but the increase would be negligible. It is noted that the transport statement was based on the original plans for six dwellings at the site.

The applicant has also submitted a supporting planning statement which includes a sustainability and energy statement. The statement notes that the proposal would add to the housing mix of the borough, is in a sustainable location and would be in keeping with the character of the area.

A flood risk assessment has been submitted which notes that the site is in Flood zone 1 which has a low risk of flooding and surface water drainage could be managed by condition.

### **Relevant planning history.**

No recent planning history

### **Consultations.**

#### Statutory consultees

County Highway Authority: No objection subject to conditions regarding visibility zones, parking layout and bike storage.

Surrey Wildlife Trust: Raised concern regarding the presence of bats at the site. Additional surveys were carried out and it was identified that one tree had moderate potential for roosting. This tree will now be retained on the site.

#### Internal consultees

Waste and Recycling: No objection

#### Other consultees

UK Power Networks: No objection

#### Amenity groups / Residents associations

Guildford Society: Raise an objection for the following reasons:

- application site has poor access onto Epsom Road [Officer Note: No objections or concerns have been raised by the County Highway Authority]
- the proposal would result in backland development and a cramped form of development.

[Officer Note: These comments are based on the original submitted plans for 6 units. No additional comments have been received on the revised plans for four units].

Merrow Residents Association: Raise an objection for the following reasons:

- the existing access is dangerous and the proposal would add more vehicles onto the road and further increase the risk of highway safety [Officer Note: No objections or concerns have been raised by the County Highway Authority]
- six properties would be out of keeping with the character of the area. Four houses could be more acceptable if spaced accordingly [Officer Note: The proposal is now for four dwellings].

### **Third party comments:**

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

- The proposal would result in loss of trees, habitats, privacy and increase in vehicles turning off Epsom Road (Officer Note: There are no Tree Preservation Orders at the site and the site is not within a Conservation Area. Therefore, trees can be removed without permission).
- Construction noise will be unacceptable. (Officer Note: An informative would be recommended

- advising the applicant of the Control of Pollution Act and the noisy working hours requirements)
- Additional access onto Epsom Road should not be allowed, as this was the case for additional development at The Spinney on Grove Road
  - The proposal would result in loss of privacy.
  - The proposal would result in additional vehicles onto Epsom Road which would result in a harmful effect on highway safety.
  - The site has poor sightlines and dangerous for children being dropped off at the bus stop and crossing.
  - Any additional lighting may impact upon the amenities of the adjacent neighbouring properties and wildlife. (Officer comment - a condition regarding details of lighting is recommended)
  - The layout of the planned parking areas will dominate the front gardens.
  - The access to the site does not appear wide enough for emergency services.
  - The proposed access road is not wide enough for refuse vehicles. (Officer Note: The Council's Refuse Manager has been consulted and raises no objection to the application. It is noted that the refuse arrangements have been revised during the course of the application)
  - The proposal is over cramming with six dwellings onto a site with one dwelling (Officer Note: the application has been revised reducing the number of properties from six to four)
  - The proposal would result in additional movements onto the shared driveway.
  - If the proposal would result in a property for four couples, that could result in 8 additional vehicles into the area which would impact on highway safety.
  - The proposal would result in loss of privacy to the occupiers of the adjacent neighbouring properties.
  - No garage space is indicated on the plans, therefore parking for the site will impact on other roads (Officer Note: The indicative layout plans show the proposal would include 2 parking spaces per property and would comply with the adopted Parking guidance. NB. exact details will be considered under the reserved matters application)
  - An extensive surface water scheme will need to be considered. (Officer Note: a condition requiring these details to be submitted is recommended)
  - The proposal would be out of character with the houses in the wider area

One letter of support has been received outlining the following positive comments:

- Most of the trees proposed to be removed are leylandii and their removal would enable the remaining trees to thrive.
- The house is currently occupied by a family who each have a vehicle.
- The width and length of the current drive limits users accessing and exiting the site at speed which would be dangerous to users of the highway.
- The site is not visible from the road and therefore the proposal would not have a visual impact on the area.
- The surrounding area has varied style of properties from Victorian cottages to 21st century developments.

Following the receipt of amended plans two additional letters have been received, one in support and one in objection reiterating the original comments and making the further points:

Further comments in support:

- The revision further increases spacing to adjacent properties in the area.

The points raised in the further letter of objection have already been noted above.

### **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 8: Promoting healthy and safe communities
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed and beautiful places.
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

### **South East Plan 2009:**

- NRM6: Thames Basin Heath Special Protection Area

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

The Council is able to demonstrate a five year housing land supply. This supply is assessed as being 6.64 years based on most recent evidence as reflected in the GBC LAA (2024). In addition to this, the Government's latest Housing Delivery Test indicates that Guildford's 2022 measurement is 171%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 79 (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 H1: Homes for all
- Policy P4: Flooding, flood risk and groundwater protection zones
- Policy P5: Thames Basin Heaths Special Protection Area
- Policy D1: Place shaping
- Policy D2: Climate change, sustainable design, construction and energy
- Policy ID4: Green and blue infrastructure

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

- Policy P6: Protecting Important Habitats and Species
- Policy P7: Biodiversity in New Developments
- Policy P11: Sustainable Surface Water Management
- Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
- Policy D5: Protection of Amenity and Provision of Amenity Space
- Policy D8: Residential Infill Development
- Policy D11: Noise Impacts
- Policy D12: Light Impacts and Dark Skies
- Policy D14: Sustainable and Low Impact Development
- Policy D15: Climate Change Adaptation
- 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 (2024)
- Parking Standards for New Development (2023)
- Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2017)
- Thames Basin Heath Tariff SPD (2024)

### **Planning considerations.**

The main planning considerations in this case are:

- The principle of development
- The impact on the character of the area
- The impact on neighbouring amenity
- Living conditions for proposed occupants
- Highway/parking considerations
- Impact on trees and vegetation
- Sustainable construction and design
- Biodiversity
- Surface water flooding
- Thames Basin Heaths Special Protection Area
- Legal agreement requirements
- Equality, diversity and human rights

#### Principle of development

The application site is located within the urban area of Guildford and is within a highly sustainable location with good links to the town centre and nearby amenities and facilities. The NPPF states that decisions should promote an effective use of land in meeting the need for homes while safeguarding and improving the environment. Furthermore, Policy H1 of the Local Plan Strategy and Sites refers to homes for all and new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs.

The Council's Strategic Housing Market Needs Assessment (SHMA) 2015 identified the greatest need for market housing being two, three and four bedroom units. The proposal would provide two x three bedroom units and two x four bedroom units in a sustainable location, therefore providing a contribution to the housing need in the Borough.

The application is for outline planning permission with access only to be considered, with appearance, landscaping, layout and scale to be considered under a subsequent reserved matters application. Therefore, the main considerations for this application are whether the access would be acceptable for quantum of development proposed which would be in keeping with the character of the area, would protect the residential amenities of the occupiers of the adjacent neighbouring properties and the proposal would not materially impact on trees, sustainable drainage, biodiversity and Thames Basin Heath Special Protection Area.

#### The impact on the character of the area

Policy D1 of the LPSS requires a high standard of design for new development, responding to local character. Policy D4 of the LPDMP sets out criteria for assessing whether a proposal achieves a high quality of design and respects local distinctiveness. It should enhance the surroundings, be attractive and coherent. The layout, materials and form should be of a high quality. Residential

densities should make efficient use of land whilst respecting the context and character of the area.

Policy D8 of the LPDMP is particularly relevant as it sets out criteria for assessing residential infill proposals. These should:

- a) integrate well with surrounding development and the environment;
- b) respond positively to the existing character and identity of the local area;

The Policy addresses proposals for backland development, stating that it should: create a positive street entrance, safe for all modes of transport and avoiding adverse impact on neighbours, demonstrate an acceptable relationship with existing neighbouring development, including in terms of privacy.

The proposal would replace an existing dwelling which is located behind existing properties fronting Epsom Road with four residential units and it would utilise the existing access. It is considered that this would not be new backland development, but would replace an existing form of backland development, albeit with a greater number of properties. The surrounding area is characterised by detached properties in good sized plots, having off street parking. The proposed indicative layout shows that the proposal would be in keeping with the character of the area and the higher density, compared to the existing situation would not give rise to any harmful impact on the character or appearance of the wider urban area.

The existing property is set back from the road and is not clearly visible from the street. The proposed dwellings and parking areas would be in a similar position as the existing dwelling, driveway and outbuildings at the site and as such would not be clearly visible from the street. With a separation distance of approximately 84 metres to Epsom Road. It is therefore considered that the additional properties would not materially harm the visual amenities of the area with the existing mature planting and access way being maintained. It is therefore considered that the proposal would comply with Policy D8 of the LPDMP in this regard.



#### The impact on neighbouring amenity

Policy D5 of the LPDMP refers to the protection of amenity and provision of amenity space and that development proposals are required to avoid having an unacceptable impact on the living environment of existing residential properties or resulting in unacceptable living conditions for the new residential properties.

Policy D8 of the LPDMP also details that infill development are required to:

- c) avoid unacceptable impacts on the amenity of neighbouring properties and
- d) incorporate landscaping measures and ensure that sufficient amenity space, parking, bin storage and cycle parking is available.

The policy also specifically refers to backland development and that access routes must be designed to avoid having an unacceptable impact in terms of noise or light on the existing dwellings and demonstrate that relationships with both existing and buildings are acceptable.

The application is outline permission and the specific details of the layout, scale and appearance of the properties would be considered at a later date, however to assist in the assessment of whether four properties could be accommodated on the site without having a harmful impact on the amenities of the occupiers of the adjacent neighbouring properties, the applicant has submitted an indicative site layout plan shows good separation distances to all boundaries of the site, over 20,

16 and 7 metres to the northern, southern, eastern and western boundaries respectively. It is noted that the land does slightly raise in height towards the rear of the site. However, given these separation distances it is considered that the site could accommodate four units in a manner which would not result in overlooking or loss of privacy to the detriment of the occupiers of the adjacent neighbouring properties.

The boundaries of the access road are currently delineated by wooden fencing and mature planting with neighbouring properties. It is fully acknowledged that the proposal would result in increased vehicle movements along the access road, however, the submitted plans and arboricultural impact assessment details that the existing boundary treatment and landscaping is to be retained along these sensitive boundaries. Therefore, it is considered that the increased use of the access way for three additional units would not materially harm the amenities of the occupiers of the adjacent neighbouring properties. However, given the application is outline only, with no specific details of measures of boundary treatments and fencing a condition is recommended in order to ensure the reserved matters application ensures the protection of the amenity of the occupiers of the adjacent neighbouring properties in this regard.

It is therefore considered that the proposal would comply with Policies D5 and D8 of the LPDMP in this aspect.

#### Living conditions for proposed occupants

Paragraph 135 (f) of the NPPF 2023 states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy D1(4) of the Guildford Borough Local Plan: Strategies and Sites 2015 - 2034 states that all new development is expected to have regard to and perform positively against the recommendations set out in the latest Building for Life guidance and conform to the nationally described space standards (NDSS).

The proposed development includes the construction of two x three bedroom units and two x four bedroom units with an occupancy of 5 and 7 persons respectively. The indicative plans show the units would have a gross internal floor area of 94 and 155 sq. metres which is in accordance with the NDSS.

All the proposed dwellings would have private gardens located to the rear with boundary treatments proposed to ensure privacy is maintained. The gardens would be regular in shape and would facilitate their effective and practical use.

Overall, it is considered that the site could accommodate dwellings that could have acceptable living conditions through provision of private outdoor amenity space and NDSS compliance.

The proposed development would therefore comply with Policy D1 of the LPSS and Policy D5 of the LPDMP in this regard.

#### Highway / parking considerations

Advice on safety at the access to the highway is provided by the Highway Authority, Surrey County Council. Parking standards are set out in Policy ID10 of the LPDMP and in the Parking SPD.

The site would utilise the existing access with each of the properties having their own private car parking spaces for two vehicles, extra parking would be provided for visitor spaces too. This which would meet the standards set out in the Parking SPD.

Concerns have been raised about highway safety and in particular the access onto Epsom Road. However, the CHA has assessed the proposals and consider that the proposal would not result in a significant increase in vehicular trips on the surrounding highway network. Furthermore, sufficient visibility, both pedestrian inter-visibility splays and vehicular visibility splays, will be provided at the site. The access to/from the site is relatively straight and vehicles entering / egressing the site will have sufficient forward visibility of approaching vehicles / pedestrians. The access route will be provided with a width of 4.1m, which is deemed adequate for a development of this size. It is also emphasised that the access is already in use for the existing dwelling. As such, even with increased vehicles using the access, no concerns have been raised by the County Highway Authority in this regard.

Electrical charging points are required (these would be required by Building Regulations) and bike storage with facilities for cycle charging should be provided and secured by condition.

The Council's operational services officer raises no objection to the proposal in relation to bin storage provision and access.

A number of informative notes are also recommended. Therefore, subject to the conditions, it is considered that the proposed quantum of development is acceptable with no adverse impact on highway safety and the proposal would comply with policies within the local plan.

#### Impact on trees and vegetation

The proposal would result in the removal of several trees at the site located in the central section of the site. The trees are mostly C category trees with two B category trees to be removed and the removal of the trees would not materially change the view of the site from the wider area. The site has mature planting on all boundaries and this is to be retained as much as possible to ensure the visual impact and the impact on the amenities of the residential properties are protected from the proposal. The applicant has submitted an Arboricultural Impact Assessment in support of the application, which includes a tree survey. In addition, it notes that the trees to be retained would be protected, with the indicative plan showing the residential properties being sited outside of the root areas of the trees to be retained. The Council's Arboricultural Officer raises no objection to the application.

#### Sustainable construction and design

Requirements for sustainable development are set out in Chapter 14 of the NPPF and in Policy D2 of the LPSS and Policies D15 and D16 of the LPDMP and the Climate Change, Sustainable Design, Construction and Energy SPD. Policy D2 of the LPSS states that 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 including...measures that enable sustainable lifestyles for the occupants of the buildings, including electric car charging points. All developments should be fit for purpose and remain so into the future. Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at paragraphs 5-10 of this policy.

Policy D15 of the LPDMP states that development proposals are required to demonstrate how new



buildings will be designed and constructed for the comfort, health, and wellbeing of current and future occupiers over the lifetime of the development, covering the full range of expected climate impacts and with particular regard to overheating. They must also incorporate passive heat control measures, and the exclusion of conventional air conditioning in line with the cooling hierarchy. Development proposals are required to demonstrate adaptation for more frequent and severe rainfall events.

Policy D16 states that development proposals are strongly encourages to improve upon Part L of the Building Regulations.

The proposed dwellings are stated to be designed to modern sustainability standards, meeting or exceeding current Building Regulation requirements. This would include a highly insulated thermal envelope; airtight construction; 100% energy efficient lighting and energy efficient white goods; water saving fittings and appliances; easily accessible floor plan layouts for disabled occupants/visitors.

The submitted statement notes that materials from the demolition of the existing building would be reused where practicable, and waste arising from the development would be minimised as much as possible. A condition is recommended ensuring the submission of a waste management plan is submitted before construction begins. The statement also refers to dwellings being designed to maximise solar gain and renewable energy measures to be incorporated into the detailed design of the proposed dwelling.

Cycle storage would be secured by condition and building regulations would require the provision of electric vehicle charging on the site. It is therefore considered that the proposal would comply with the requirements of the Local Plan and the NPPF in this regard.

### Biodiversity

Policy ID4 of the LPSS and Policy P7 of the LPDMP require development proposals to seek maximum biodiversity gain on site with any new development.

A Preliminary Ecological Assessment (PEA) was undertaken when the proposal was to provide 6 properties. The PEA found no evidence of any protected species, but it did note that one tree had moderate potential for roosting of protected bats.

The Surrey Wildlife Trust commented that further survey work should be undertaken on the potential of the tree. In the updated plans and arboricultural Impact Assessment this tree is shown to be retained.

It is noted that the site does have a large number of mature trees and planting. The proposed additional units may result in additional artificial lighting which may affect wildlife which use the site. Therefore, a condition requiring details of any lighting to be submitted is recommended.

With regards to nesting birds, the removal of vegetation and site clearance should be out of bird nesting season.

Measures are recommended in the preliminary ecological appraisal to provide ecological enhancement and if permission were to be recommended, this could be required to be provided by condition in accordance with policy ID4 of the LPSS and Policy P7 of the LPDMP. Subject to this and to the requirement for a CEMP to protect any wildlife in the surrounding area during construction

it is considered that the requirements of the NPPF, the LPSS and LPDMP would be met.

### Surface water flooding

Policy P11 of the LPDMP refers Sustainable Surface Water Management. This requires drainage scheme for all development proposals to intercept as much rainwater and run off as possible including run off from outside of the site.

The site is located in Flood Zone 1 and in an area which is at low risk from surface water flooding. Therefore, it is considered that the proposal would not materially affect flood risk in the area.

### Thames Basin Heath Special Protection Area (TBHSPA)

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 results the creation of two x three bedroom dwelling and two x four bedroom dwellings. As such it has the potential, in combination with other development, to have a significant adverse impact on the protected sites. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development.

The development requires a total SANG contribution of £36,822.44 and a total SAMM contribution of £4,906.90 which should be secured by a Legal Agreement.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy 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 legal agreements to be:

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

As the application would result in the net gain of new residential units, for the development to be acceptable in planning terms, a financial contribution towards a SANG and SAMM, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017 is required. This strategy has been formally adopted by the Council. In this instance the applicant has agreed to enter into a Unilateral Undertaking to secure the financial contributions to SANG and SAMM.

### Equality, diversity and human rights

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to -

- eliminate discrimination, harassment, victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

Consideration has also been given to Articles 1 and 8 of the of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

### **Conclusion**

The proposed development would result in the net gain of three residential units in a sustainable location. The plans indicate that these can be provided on site which would positively responds to the character and context of the locality and would not result in an unacceptable impact on neighbouring amenity.

The proposed development would not give rise to unacceptable impacts on highway safety. Whilst final details of the appearance, landscape layout and scale of the buildings would be considered under a reserved matters application. It is considered that the potential of four units (three net additional units) could be accommodated on the site which would comply with policies in the Local Plan.

Subject to a legal agreement to secure the necessary SANG and SAMM contributions, the development would not impact on the Thames Basin Heaths Special Protection Area.

Therefore, the proposal is considered to be acceptable, and the application is recommended for approval.