



Contact Officer:

Sophie Butcher, Democratic Services Officer
Tel no: 01483 444056

7 June 2022

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 15 JUNE 2022 at 7.00 pm.**

Whilst Committee members and key officers will be in attendance in person for the meeting, registered speakers as well as ward councillors registered to speak, may also join the meeting via MSTeams. Ward Councillors, please use the link in the Outlook Calendar invitation. Registered speakers will be sent the link upon registration. If you lose your wi-fi connectivity, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 506 205 99#.

Members of the public may watch the live webcast here: <https://guildford.publicitv/core/portal/home>

If you have Covid symptoms you should not attend the meeting.

Please note that a limited number of socially distanced seats will be available. Please contact the Democratic Services Officer to confirm. If registered speakers wish to attend in person, the seating will be allocated to them first.

Face masks will be required to enter the Council building and Council Chamber. You may wish to wear a facemask for the duration of the meeting, however, as long as a 2 metre social distance is maintained, the wearing of a facemask is not required

Hand sanitisers will be available on arrival and departure, please use them regularly.

Yours faithfully
Tom Horwood
Joint Chief Executive

MEMBERS OF THE COMMITTEE

Chairman: Councillor Fiona White
Vice-Chairman: Councillor Colin Cross

Councillor Jon Askew	Councillor Liz Hogger
Councillor Christopher Barrass	Councillor Marsha Moseley
Councillor David Bilbé	Councillor Ramsey Nagaty
Councillor Chris Blow	Councillor Maddy Redpath
Councillor Ruth Brothwell	Councillor Pauline Searle
Councillor Angela Goodwin	Councillor Paul Spooner
Councillor Angela Gunning	

Authorised Substitute Members:

The Mayor, Councillor Dennis Booth	Councillor Susan Parker
Councillor Guida Esteves	Councillor George Potter
Councillor Graham Eyre	Councillor Jo Randall
Councillor Andrew Gomm	Councillor Tony Rooth
Councillor Jan Harwood	Councillor Will Salmon
Councillor Steven Lee	Councillor Deborah Seabrook
Councillor Nigel Manning	Councillor Cait Taylor
Councillor Ted Mayne	Councillor James Walsh
Councillor Bob McShee	Councillor Catherine Young

QUORUM 5

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 15 - 30)

To confirm the minutes of the meetings of the Committee held on 27 April 18 May 2022 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 PLANNING AND RELATED APPLICATIONS (Pages 31 - 32)

All current applications between numbers 21/P/02246 and 22/P/00111 which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

5.1 **21/P/02246 - Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG** (Pages 33 - 56)

5.2 **21/P/02477 - 54 Liddington, New Road, Guildford, GU3 3AH**
(Pages 57 - 66)

5.3 **22/P/00110 - 24 The Street, Shalford, Guildford, GU4 8BT**
(Pages 67 - 78)

5.4 **22/P/00111 - 24 The Street, Shalford, Guildford, GU4 8BT**
(Pages 79 - 86)

6 PLANNING APPEAL DECISIONS (Pages 87 - 100)

Committee members are asked to note the details of Appeal Decisions as attached at Item 6.

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

NOTES:

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's Report virtually by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see online. For members of the public, able to dial into the meeting, copies of the presentation will be loaded onto the website to view and will be published on the Tuesday of the same week prior to the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Public speakers must observe social distancing rules, if attending in person. If joining online, public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Office Teams to attend online or via a telephone number and conference ID code as appropriate to the public speakers needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure all public speakers are online. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the Democratic Services Officer by no later than midday the day before the meeting. In such circumstances, the DSO will read out their speech. Alternatively, public speakers may wish to attend the meeting in person in the Council Chamber.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to speak on an application, either in or outside of their ward, will be then allowed for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes and will have joined the meeting remotely via MSTeams. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak and send the DSO a copy of their speech so it can be read out on their behalf should they lose their wi-fi connection.] If the application is deferred, any councillor(s) who are not member(s) of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.
5. The Chairman will then open up the application for debate. The Chairman will ask which councillors wish to speak on the application and determine the order of

speaking accordingly. At the end of the debate, the Chairman will check that all members had had an opportunity to speak should they wish to do so.

- (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The DSO will advise when there are 30 seconds remaining and when the three minutes has concluded;
- (b) No councillor to speak more than once during the debate on the application;
- (c) Members shall avoid repetition of points made earlier in the debate.
- (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
- (e) Once the debate has concluded, the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried then the Chairman will ask for a second alternative motion to be put to the vote. The vote will be taken by roll call or by affirmation if there is no dissent

In any case where the motion is contrary to officer recommendation that is:

- Approval to refusal, or;
- Refusal to approval;
- Or where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission. The following procedure shall be followed:
 - Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion the

Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken by roll call or by affirmation, if there is no dissent.

- (f) A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for further information/advice backed by supporting reasons).
 - (g) Technical difficulties during the meeting. If the Chairman or the DSO identifies a failure of the remote participation facility and a connection to a Committee Member is lost during the meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, provided that it remains quorate. If the Member who was disconnected is subsequently re-connected and they have missed any part of the debate on the matter under discussion, they will not be able to vote on that matter as they would not have heard all the facts.
6. Unless otherwise decided by a majority of councillors present and voting by roll call at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm.

Any outstanding items not completed by the end of the meeting shall be adjourned to the reconvened or next ordinary meeting of the Committee.

7. In order for a planning application to be referred to the full Council for determination in its capacity as the Local Planning Authority, a councillor must first with a seconder, write/email the Democratic Services Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. The matter would then be placed as an agenda item for consideration at the next Planning Committee meeting. The proposer and seconder would each be given three minutes to state their case. The decision to refer a planning application to the full Council will be decided by a majority vote of the Planning Committee.

GUIDANCE NOTE
For Planning Committee Members

Probity in Planning – Role of Councillors

Councillors on the Planning Committee sit as a non-judicial body, but act in a semi-judicial capacity, representative of the whole community in making decisions on planning applications. They must, therefore:

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoid pre-conceived opinions;
3. carefully weigh up all relevant issues;
4. determine each application on its individual planning merits;
5. avoid undue contact with interested parties; and
6. ensure that the reasons for their decisions are clearly stated.

The above role applies to councillors who are nominated substitutes on the Planning Committee. Where a councillor, who is neither a member of, nor a substitute on the Planning Committee, attends a meeting of the Committee, he or she is also under a duty to act fairly and openly and avoid any actions which might give rise to an impression of bias or undue influence.

Equally, the conduct of members of any working party or committee considering planning policy must be similar to that outlined above relating to the Planning Committee.

Reason for Refusal

How a reason for refusal is constructed.

A reason for refusal should carefully describe the harm of the development as well as detailing any conflicts with policies or proposals in the development plan which are relevant to the decision.

When formulating reasons for refusal Members will need to:

- (1) Describe those elements of the proposal that are harmful, e.g. bulk, massing, lack of something, loss of something.
- (2) State what the harm is e.g. character, openness of the green belt, retail function and;
- (3) The reason will need to make reference to policy to justify the refusal.

Example

The proposed change of use would result in the loss of A1 retail frontage at Guildford Town Centre, which would be detrimental to the retail function of the town and contrary to policy SS9 in the Guildford Local Plan.

Reason for Approval

How a reason for approval is constructed.

A reason for approval should carefully detail a summary of the reasons for the grant of planning permission and a summary of the policies and proposals in the development plan, which are relevant to the decision.

Example:

The proposal has been found to comply with Green Belt policy as it relates to a replacement dwelling and would not result in any unacceptable harm to the openness or visual amenities of the Green Belt. As such the proposal is found to comply with saved policies RE2 and H6 of the Council's saved Local Plan and national Green Belt policy in the NPPF.

Reason for Deferral

Applications should only be deferred if the Committee feels that it requires further information or to enable further discussions with the applicant or in exceptional circumstances to enable a collective site visit to be undertaken.

Clear reasons for a deferral must be provided with a summary of the policies in the development plan which are relevant to the deferral.

APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR CONSIDERATION BY THE PLANNING COMMITTEE

NOTES:

Officers Report

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site location plan;
- Site Description;
- Proposal;
- Planning History;
- Consultations; and
- Planning Policies and Considerations.

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in each report.

Written Representations

Copies of representations received in respect of the applications listed are available for inspection by Councillors at the plans viewing session held prior to the meeting and will also be available at the meeting. Late representations will be summarised in a report which will be circulated at the meeting.

Planning applications and any representations received in relation to applications are available for inspection at the Planning Services reception by prior arrangement with the Head of Planning Services.

Background Papers

In preparing the reports relating to applications referred to on the Planning Committee Index, the Officers refer to the following background documents:-

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).

- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

Human Rights Act 1998

The Human Rights Act 1998 (the 1998 Act) came into effect in October 2000 when the provisions of the European Convention on Human Rights (the ECHR) were incorporated into UK Law.

The determination of the applications which are the subject of reports are considered to involve the following human rights issues:

- 1 Article 6(1): right to a fair and public hearing

In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the hearing in certain circumstances (e.g. in the interest of morals, strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.)

- 2 Article 8: right to respect for private and family life (including where the article 8 rights are those of children s.11 of the Children Act 2004)

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

s.11 of the Childrens Act 2004 requires the Council to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Furthermore, any services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must likewise be provided having regard to the need to safeguard and promote the welfare of children.

- 3 Article 14: prohibition from discrimination

The enjoyment of the rights and freedoms set out in the ECHR shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 4 Article 1 Protocol 1: protection of property;

Every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the

state retains the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR must be just and proportionate to the objective in question and must not be arbitrary, unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Costs

In planning appeals the parties involved normally meet their own costs. Most appeals do not result in a costs application. A costs award where justified is an order which states that one party shall pay to another party the costs, in full or part, which has been incurred during the process by which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

- A party has made a timely application for costs
- The party against whom the award is sought has behaved unreasonably; and
- The unreasonable behaviour has directly caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process a full or partial award is likely.

The word "unreasonable" is used in its ordinary meaning as established in the courts in *Manchester City Council v SSE & Mercury Communications Limited 1988 JPL 774*.

Behaviour which is regarded as unreasonable may be procedural or substantive in nature. Procedural relates to the process. Substantive relates to the issues arising on the appeal. The authority is at risk of an award of costs against it if it prevents or delays development, which should clearly be permitted having regard to the development plan. The authority must produce evidence to show clearly why the development cannot be permitted. The authority's decision notice must be carefully framed and should set out the full reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. The Planning authority must produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If the authority cannot do so it is at risk of a costs award being made against it for unreasonable behaviour. The key test is whether evidence is

produced on appeal which provides a respectable basis for the authority's stance in the light of *R v SSE ex parte North Norfolk DC 1994 2 PLR 78*. If one reason is not properly supported but substantial evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

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PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

- | | |
|----------------------------------|--|
| * Councillor Jon Askew | * Councillor Angela Gunning |
| * Councillor Christopher Barrass | * Councillor Liz Hogger |
| Councillor David Bilbé | * The Mayor, Councillor Marsha Moseley |
| * Councillor Chris Blow | Councillor Ramsey Nagaty |
| * Councillor Ruth Brothwell | * Councillor Maddy Redpath |
| * Councillor Angela Goodwin | * Councillor Pauline Searle |
| | * Councillor Paul Spooner |

*Present

Councillor Tony Rooth was also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Ramsey Nagaty. Councillor Guida Esteves attended as a substitute member for Councillor Nagaty. Councillor David Bilbé was not present.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interests were made.

PL3 MINUTES

The minutes of the Planning Committee meetings held on 21 and 30 March 2022 were approved and signed by the Chairman.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 21/P/00030 - YANA ALPACAS, HAWTHORN FARM, POLESDEN LANE, RIPLEY, WOKING, GU23

The Committee considered the above-mentioned application for proposed erection of a detached two storey permanent agricultural workers' dwelling, and a general-purpose agricultural building, creation of new access with installation of gate and piers (amended description and amended plans received 25 November 2021).

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Chris Lee (Chairman of Polesdon Lane Residents Association) (to object);
- Ms Josie Paul (to object) and;
- Mrs Vicky Webb (Applicant) (In Support)

The Committee received a presentation from the planning officer, Becky Souter. The proposal was for a new dwelling for the agricultural workers at an alpaca farm in Ripley as well as a general-purpose agricultural facility and new access. The site was part of Hawthorn Farm which is a small agricultural holding of 10.5 acres. The proposed site of the dwelling was in the northern part of the holding, outside of any identified settlement boundary and was within the Green Belt as well as a Site of Nature Conservation Importance and adjacent to a Site of Special Scientific Importance.

Given this siting as an isolated home in the countryside, the applicant had to prove an essential need, as per paragraph 80 of the NPPF. Furthermore, it was considered that if an essential need for the development in connection with agriculture can be identified then the proposed development would constitute appropriate development within the Green Belt. The site had up until recently focused on cattle farming, however in 2018 planning permission was granted for the siting of a temporary rural worker's dwelling as part of an alpaca breeding enterprise, as described in the Business Plan and Agricultural Assessment submitted as part of the 2018 application. This supporting letter submitted with the application stated that the enterprise had now been operating for three years and was demonstrated to be financially viable. The alpaca business commenced when the farm was purchased in 2018 and had therefore been established for at least three years. Officers were satisfied that the agricultural activity had been established for several years, had made sufficient profits to be financially sound and now had a clear prospect of remaining.

The site was in a rural position with only a handful of neighbouring properties. The Council's agricultural consultant advised that inspection of the locality and searches on the internet failed to identify any suitable property in close proximity to Hawthorn Farm either on Polesdon Lane or in Tannery Lane. Regardless, it had been demonstrated that there was an essential need for a worker to live on site and it was therefore considered unlikely that the urgent attention to livestock required by the workers could be properly provided by someone living further away from the holding. The proposed dwelling would be on a similar sized plot to the surrounding dwellings. The proposed dwelling would also be modest in height and in keeping with the two-storey scale of the surrounding dwellings. Whilst the design would vary to that of the established dwellings locally, it would be of traditional design. The elevations would incorporate traditional materials and detailing.

Given the spacious plots that characterised this part of Polesdon Lane it was not considered that the proposed dwelling would detract from the rural character of the streetscene or surrounding area. The proposed floor plans of the dwelling met with the national space standards and had a number of windows to ensure adequate daylight into the property. It also included an area to be used as a study but would allow for the operation of the business. There wouldn't be a need for an additional office space. The proposed agricultural building elevations had been designed clearly for agricultural purposes and would be functional in appearance with timber boarding to the elevations and fibre cement sheeting roof. This was in keeping with other agricultural buildings in the area and would not be excessive in size. It would measure a maximum height of 5 metres. The proposed dwelling would be in close

proximity to the rear of the proposed dwelling and would minimise its visual impact within the wider surroundings. The site was also well screened by existing mature trees and hedging along the boundaries which was to be retained. The proximity of the building to the proposed new dwelling would also ensure there was a good surveillance of the building. The agricultural building would have a total footprint of 148 square metres. The Highways Authority had raised no concerns subject to conditions. The Lovelace Neighbourhood Plan required the provision of three parking spaces for a 3 bedroom or larger dwelling. Parking for 3 cars was provided on the proposed driveway and to the front the new dwelling with an additional parking area for up to two vehicles adjacent to the proposed new agricultural building.

There was a minimum separation distance of approximately 10 metres between the northern flank wall of the proposed new dwelling and the boundary of the site which adjoined a private access track that ran between the site and a neighbouring dwelling. Officers considered overall that sufficient proof of evidence of essential need had been provided by the applicant as well as the limited impact on the area from the proposed development. Because of these reasons the application has been recommended for approval subject to a Section 106 agreement to secure a SANG and SAMM contributions and subject to the conditions.

The Committee discussed the application and noted concerns raised that the Council's agricultural consultant had rejected the proposal on the basis that the applicant had failed to prove the business would remain profitable and by virtue of that there was no need for a permanent dwelling. However, the applicant's agricultural consultants had countered the arguments put forward. The Committee also noted that a similar application had been made in Effingham a few years ago for a joint livery stable and smallholding with sheep which was refused as the Committee was not convinced by the business case. The decision was appealed and allowed and had now turned into a thriving business. The Committee was interested to know why the Council had not gone back to the Farm Consultancy Group. The Committee also discussed condition 11 which stated that any external lighting needed to be suitable for bats. External security lighting could also impact nearby residents and have implications for Dark Skies policies. Would the lighting proposed be movement sensitive or put on a timer?

The Head of Place, Dan Ledger confirmed that the Council had not received a response from the Farm Consultancy Group despite contacting them on a number of occasions. Planning officers therefore had to deal with the application as best they could and had assessed the information concluding that sufficient evidence had been submitted to warrant essential need for the house. With regard to condition 11, it could be altered to require no external lighting was permitted, unless already previously agreed in writing.

The Committee noted concerns that the proposed dwelling was specifically to house agricultural workers but what if one of the persons who lived there no longer worked in that field, how would that be managed? The Head of Place, Dan Ledger stated that conditions should not be used for such a scenario and would not be upheld on appeal. A temporary unit had been in situ for some years already and was an ongoing operation already in place. Therefore, it was in the interests of the applicant to build in accordance with the planning permission. If one of the persons, no longer worked in agriculture then a replacement person would be required to carry on those operations.

The Committee remained concerned that the Council's agricultural consultant had not responded. It represented an injustice to the applicant given the Council was committed to supporting businesses in the countryside. The Committee discussed whether deferral was an option given the circumstances.

The Committee queried whether the planning authority did monitor when a property did become vacant to ensure that its inhabitants were employed directly with the agricultural work it had been built for.

The Head of Place, Dan Ledger confirmed that if no agricultural operation was in existence, then there would need to be an application to change that condition. However, the Committee also needed to look at the history of the site and the fact that there had been a temporary agricultural dwelling on the site for the last three years. With regard to the lack of comment from the agricultural consultants, planning officers had sought their feedback, but it was not forthcoming. There were also a limited number of agricultural consultants that are available. Planning officers were satisfied that the scheme met with the appropriate planning policy criteria and had undertaken a detailed assessment of the scheme. Deferral of the proposed application was not recommended.

The Committee noted concerns raised that the dwelling was too big, given it had four bedrooms and would impact the openness of the Green Belt. The planning officers confirmed that the applicants were currently living in a mobile home and therefore needed permanent accommodation as a temporary home did not constitute a building. The test that was being applied was whether the new dwelling met the criteria for fulfilling an exception test on a rural agricultural workers dwelling. It was not about whether the replacement structure in the Green Belt was materially larger than the one it replaced. Planning officers considered that its current siting was acceptable, and the size of the proposed dwelling had been reduced in size through negotiation of the application.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Maddy Redpath	X		
2	Colin Cross		X	
3	Liz Hogger	X		
4	Angela Goodwin	X		
5	Marsha Moseley	X		
6	Jon Askew	X		
7	Chris Barrass		X	
8	Fiona White	X		
9	Pauline Searle	X		
10	Chris Blow	X		
11	Paul Spooner			X
12	Guida Esteves			X
13	Angela Gunning		X	

14	Ruth Brothwell	X		
	TOTALS	9	3	2

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00030 subject to amended condition 11:

(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 conditions 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 and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

PL6 21/P/02454 - LAND BETWEEN SMUGGLERS END AND MERLINS, SMUGGLERS WAY, THE SANDS, FARNHAM, GU10 1LW

Prior to the consideration of this application, the Chairman wished to make an announcement and stated that the Council had received communication from the National Casework Unit within the Department from Levelling Up, Housing and Communities advising that they have been contacted about calling in the application which would mean the determination falls to the Secretary of State. The unit are currently considering this request and have asked that the Council do not make a formal decision on this application until they have advised of their decision on this request. This decision is expected in the next few days.

This remains an informal request only and is not a holding direction and has not paused the determination period of the application. Therefore, Councillors are able to consider the planning merits during the planning committee meeting as they would any other application. Whatever the outcome the decision would not be processed until a further response has been received from the Department.

The Committee considered the above-mentioned full application for erection of a single dwelling and attached garage on land between Smugglers End and Merlins, Smugglers Way.

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Jack Jordan (to object);
- Mr Matthew Keane (Applicant) (In Support) and;
- Mr Michael Conoley (Agent) (In Support)

The Committee received a presentation from the planning officer, Becky Souter. The Committee noted the supplementary late sheets which included an update on the impact on trees and vegetation as well as amendment to the wording of condition 5. A similar application for the site was presented to the Planning Committee in September 2021 and refused. The current application related to a parcel of land within the village of the sands, located to the south of Smugglers End and to the north of Merlin's which was formed of residential dwellings adjoining the site. The site was located within the Green Belt and formed part of the Surrey Hills AONB and AGLV. The site was predominantly surrounded by residential properties, to the east was the Barley Mow pub and its associated facilities. The application proposed the construction of a 5-bedroom detached 2-storey dwelling with attached single garage and new vehicular access from Smugglers Way. The development would be concentrated in the northern half of the site so to minimise its visibility in the wider area and to avoid a group of trees that were subject to a Tree Preservation Order (TPO). The pattern of development changed from fairly close-knit in this area to more sporadic and dominated by larger properties in significant plots as you move away from the village. The application site was located within the Green Belt and new dwellings were permitted in the Green Belt if they fell under the limited infilling within villages exceptions test. The test the proposal therefore needed to meet was whether the site was within a village and substantially surrounded by built development. In the planning officer's view, the site was substantially surrounded by other built form and did form part of the gap within a continuous frontage. The matter of whether a new dwelling could constitute limited infilling in this location had been debated previously in September 2021 when the Committee concluded that the development would not be harmful in the Green Belt.

The number of first floor windows were limited and only one was present to serve a bathroom which would be obscure glazed to limit any impact on neighbouring privacy. With regard to the proposed street scene, the land level rose to the south and as such the neighbouring property Merlin's was sat on much higher land. Owing to these land levels and the height of the dwelling this would represent a gradual step up in the height of the building. The revised scheme had reduced the scale and bulk of the dwelling and removed the detached garage in order to overcome the previous reason for refusal which related to the positioning of a detached garage and to the scale, bulk and design of the dwelling. Since the planning committee site visit that was undertaken last year, the neighbours at Smugglers had constructed a garage which was significantly bulkier and quite prominent in the streetscene compared to how it was previously. The proposed dwelling would be set well away from this property occupying the northern end of the site with the trees subject to a TPO to be retained. Due to the proposed positioning of the dwelling and its scale and design, the proposal would not have any materially harmful impact on views from this location where the site was most likely to be viewed from publicly.

In conclusion, the proposal was found to be acceptable and represented an appropriate form of development in this location which had been sensitively designed to respect its surroundings

and the character of the local area. The application was therefore recommended for approval subject to conditions.

In response to comments made by the public speakers, The Head of Place, confirmed that there was a separate application being considered at appeal. However, regardless of that fact, the Committee had to determine the application before it.

The Chairman permitted the Ward Councillor, Tony Rooth to speak for three minutes. The Committee noted concerns raised that the proposal did not qualify as limited infilling. Neither Policy P2 or the NPPF paragraph 149 specified what the gap was constituted of. The site frontage was approximately 100 metres wide and was therefore clearly not a small gap in a continuous built-up frontage. The Committee also noted concerns raised in relation to the impact upon trees and vegetation. Whilst TPO's had been confirmed on 13 of the trees in March 2022, it appeared that the layout and positioning of the site was actually closer to the TPO trees in the present application.

The Head of Place, Dan Ledger confirmed that with regard to limited infilling it was important to note the wording of the NPPF in defining what was and wasn't appropriate development in the Green Belt. Paragraph 149 of the NPPF stated that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and then listed exceptions to this and limited infilling in the villages was one of those exceptions. It was for the determining authority to consider whether it constituted limited infilling in the Green Belt. This reason was additionally not given previously when the Committee refused a similar application for this site in September 2021. With regard to the effect of the development on the TPO'd trees, the Council's Tree Officer had assessed the site and was content that the development would not harm those trees.

The Committee considered the application and noted points raised that the proposal did represent limited infilling. Previously the Committee had been concerned regarding the detached garage and its effect upon the surrounding views. However, the applicant had worked with officers to address those concerns and that the proposal did meet the Green Belt tests on balance.

The Committee requested clarification on the gross external floor area and whether it included the garage. The planning officer confirmed that a reduction in floor area had been achieved across the whole site. The side element had been removed to accommodate the garage.

The Committee noted continued concerns raised regarding infilling and whether the proposal represented a continuous built-up frontage. The Committee was reminded by the Chairman that this issue was not given as a reason in relation to the previous refusal and the Council had to remain consistent.

The Committee noted comments that it had to look at each application according to its own merits. The Committee considered if the application should be refused given the sites location in the AONB. The small gap was estimated to be some 48 metres long which was therefore surely not small. In addition, concerns were raised regarding the general bulk of the building, not just the garage which should be taken into account.

The Committee considered overall that the applicant had taken on board the concerns raised when the application had previously been refused in September 2021. The applicant had reduced the scale, bulk, height and footprint of the proposed scheme. In addition, the garage was now attached to the dwelling, positioned on the northern elevation.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Angela Gunning	X		
3	Colin Cross	X		
4	Chris Barrass		X	
5	Chris Blow	X		
6	Angela Goodwin	X		
7	Pauline Searle	X		
8	Marsha Moseley	X		
9	Maddy Redpath	X		
10	Jon Askew	X		
11	Guida Esteves		X	
12	Ruth Brothwell		X	
13	Paul Spooner	X		
14	Liz Hogger	X		
	TOTALS	11	3	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/02454 subject to the conditions and reasons as detailed in the report.

PL7 22/P/00179 - TWYNINGS, 33 GATEWAYS, GUILDFORD, GU1 2LF

The Committee considered the above-mentioned full application for variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularise discrepancies between approved plans and as built stage.

The Committee received a presentation from Planning Officer, Kieran Cuthbert. The Committee noted that this was a Section 73 application for the variation of conditions in relation to drawings to regularise changes made and as such was a retrospective application. The site was located in the Guildford urban area and there were no relevant planning constraints on site. The majority of objections received were in relation to the garage which had been converted into an office and were not relevant to this application. Enforcement had

been involved and closed the case at the end of 2021 as no relevant evidence could be found to substantiate claims.

The Committee discussed the application and agreed that the proposed works were considered to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the area.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Angela Gunning	X		
3	Ruth Brothwell	X		
4	Paul Spooner	X		
5	Colin Cross	X		
6	Chris Barrass	X		
7	Jon Askew	X		
8	Angela Goodwin	X		
9	Pauline Searle	X		
10	Chris Blow	X		
11	Liz Hogger	X		
12	Maddy Redpath	X		
13	Guida Esteves	X		
14	Marsha Moseley	X		
	TOTALS	14	0	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 22/P/00179 subject to the conditions and reasons as detailed in the report.

PL8 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeals.

The meeting finished at 8.47 pm

Signed

Date

Chairman

PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

- | | |
|--------------------------------|-----------------------------|
| * Councillor Jon Askew | * Councillor Angela Gunning |
| Councillor Christopher Barrass | Councillor Liz Hogger |
| * Councillor David Bilbé | Councillor Marsha Moseley |
| * Councillor Chris Blow | * Councillor Ramsey Nagaty |
| * Councillor Ruth Brothwell | * Councillor Maddy Redpath |
| * Councillor Angela Goodwin | Councillor Pauline Searle |
| | * Councillor Paul Spooner |

*Present

Councillor Catherine Young was also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Chris Barrass, Liz Hogger and Pauline Searle. Councillors Tony Rooth, Wil Salmon and Cait Taylor attended as substitutes for the above councillors respectively. Councillor Marsha Moseley also sent her apologies and no substitute was in attendance.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interest were declared.

PL3 MINUTES

The minutes of the Planning Committee held on 13 April 2022 were approved and signed by the Chairman. The minutes of the Planning Committee held on 27 April 2022 were to follow.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 21/P/01537 - FOREST FARM, FOREST ROAD, EAST HORSLEY, LEATHERHEAD, KT24 5ER

Prior to consideration of the above-mentioned application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Ms Louisa Richter von Morgenstern acting on behalf of Mr Ian Dixon (to object);
- Mrs Denise Etwell (In support) and;
- Ms Susan Hoysted (In support).

The Committee considered the full application for construction of a single storey, two-bedroom dwelling.

The Committee received a presentation from planning officer, Katie Williams. The site was located within the identified settlement of East Horsley which was inset from the Green Belt and was also within the 400 metre to 5km buffer zone of the Thames Basin Heath SPA. The site consisted of a detached dwelling which was a Grade II Listed Building and fronted onto Forest Road. It had a long rear garden which extended to the railway line which ran to the north-east of the site. The trees along the frontage of the site were covered by a Tree Preservation Order. The character of the surrounding area was residential, consisting of detached dwellings fronting Forest Road, with spacious plots.

The proposal was for the construction of a single storey L-shaped 2-bedroom dwelling in the rear garden of the existing house on the site. The proposed development would be accessed via the existing vehicular access which ran along the side of the dwelling. The existing dwelling parking was proposed for at least three cars on an existing graveled area. To the front of the proposed plot, sufficient parking would also be retained for the host dwelling on the existing driveway. The Conservation Officer had no objection in terms of the impact of the proposal on the setting of the Listed Building and was concluded that there would be no material harm to the significance of the heritage asset. However, officers consider that the proposal to position the new dwelling set back behind a prevailing pattern of development along Forest Road would not respect the wider established character of the area.

The proposed development was to incorporate several sustainability measures and would look to achieve a 94% reduction in carbon emissions from the standard target. Emissions rate ecological enhancement measures were also proposed including planting and enhancement to the existing hedgerows. Due to the single-storey height and separation distance to neighbouring properties it was considered that the proposal would not have a detrimental impact on neighbouring amenity.

The elevations of the proposed dwelling were of a contemporary design, incorporating block element components. There was a slight difference in height between the two block sections with the living block having a maximum of 4 metres and bedroom block set down slightly with a maximum of 3.3 metres. The roof would incorporate photovoltaic panels and a biodiverse green roof.

In conclusion, whilst there were no objections to the proposed development in principle. It was considered that the proposal would result in an inappropriate form of backland development that would fail to respect the wider established character of the area and would not be substantially surrounded by development contrary to the requirements of Policy IH8 of the East Horsley Neighbourhood Plan. It was considered that the proposal would result in significant harm to the established character and appearance of the area which was also contrary to the design aims of Policy D1 of the Local Plan and G5 of the saved Local Plan. The application was therefore recommended for refusal due to concerns regarding the application. The applicant had not been invited to enter into a S106 Agreement to secure the required SANG and SAMM contributions to mitigate the impact on the Thames Basin Heath SPA and was therefore included as a reason for refusal.

The Chairman permitted Councillor Catherine Young to speak for three minutes in her capacity as ward councillor. The Committee noted points raised that there were many public benefits of the development which were exceptional and clearly outweighed the planning harm of backland development. This application took a proactive approach to mitigating and adapting to climate change as required by the NPPF through a host of reduction methods such as the green roof and many other features listed in the Design and Access Statement. The scheme was designed as net zero home which more than exceeded our own requirement for reductions in carbon emissions. The design was also innovative and minimized its impact upon the environment. The principle of development was also found to be acceptable by planning officers. There was no adverse impact on neighbouring amenity and the site was well screened therefore limiting the impact upon the character of the area. A wealth of biodiversity and ecological enhancements were also provided, and no harm would be caused to existing heritage assets.

The Committee discussed the application and noted concerns raised that the proposal did not represent a limited infill backland development. Whilst the design of the dwelling incorporated good energy efficiency design features, it still constituted an inappropriate form of backland development. The Committee discussed the pros and cons of the proposed development and agreed overall that owing to the development representing an inappropriate form of backland development, it would therefore fail to respect the wider established character of the area and would not be substantially surrounded by existing development. It would also be harmful to the Thames Basin Heath Special Protection Area (TBHSPA).

A motion was moved and seconded to refuse the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ramsey Nagaty		X	
2	Jon Askew	X		
3	Cait Taylor		X	
4	Ruth Brothwell	X		
5	Paul Spooner	X		
6	Chris Blow		X	
7	Tony Rooth			X
8	Will Salmon	X		
9	David Bilbe	X		
10	Fiona White	X		
11	Maddy Redpath		X	
12	Angela Goodwin	X		
13	Colin Cross		X	
14	Angela Gunning		X	
	TOTALS	7	6	1

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to refuse application 21/P/01537 subject to the reasons given in the report.

PL6 22/P/00038 - 42 RECREATION ROAD, GUILDFORD, GU1 1HP

Prior to consideration of the above-mentioned application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Ms Katie Walker (Agent) (In Support)

The Committee considered the full application to erect 2 dwellings in the land to the rear whilst extending and subdividing 42 Recreation Road to create two separate dwellings.

The Committee received a presentation from the planning officer, Katie Williams. The site was located within the urban area of Guildford and was within the 400 metre to 5km buffer zone of the Thames Basin Heaths SPA. It was located on the northern side of Recreation Road and currently consisted of a detached dwelling on a large plot with a long rear garden, incorporating several outbuildings. The surrounding area was characterized by a mixture of dwelling type styles and sizes. Adjacent to the site was a relatively modern development consisting of a small residential cul-de-sac comprised of two rows of terraced properties accessed via an access drive from Recreation Road. The site was also surrounded by adjacent properties 43 Recreation Road and 42A Recreation Road and then properties to the east which front onto Stoke Road and to the north. These consisted predominantly of detached and semi-detached two storey dwellings.

The proposal sought to erect two four-bedroom dwellings on the land to the rear of the site, extending and sub-dividing the existing dwelling, 42 Recreation Road to create two separate dwellings, consisting of one two-bedroom dwelling and one three-bedroom dwelling. A new access drive was proposed from 42 Recreation Road, replacing an existing vehicular access. Eight parking spaces were proposed and incorporated new areas of soft landscaping and a new tree planting scheme to the front of the dwellings. Each dwelling would have a reasonably sized rear garden which was in keeping with the surrounding dwellings such as those in Pound Field to the west. It was considered that there would be sufficient separation distance to the neighbouring dwellings to ensure that there would be no adverse impact on their amenity in terms of loss of light or overbearing impact.

The proposal included a two-storey side extension and part single storey part two storey rear extension and small single storey extension to the front. Also, a dormer window on the rear roof slope. The proposed extensions would be modest in size and subordinate to the host building. In terms of their scale and height, the designer materials would also be sympathetic to the existing building. The proposed dwellings would be of a traditional design with a maximum ridge height of 8.6 metres, incorporating a bedroom within the roof space for each dwelling with two dormer windows to the rear roof slope. The first-floor windows on the flank elevations would serve bathrooms and were shown to be obscurely glazed.

In conclusion, the proposed development was located within the Guildford urban area and would lead to the creation of a net increase of three family sized homes in a sustainable location which reflected the character of the area. It would make effective use of an accessible site. It was considered that the proposed development would respect the amenity of neighbouring properties and would not result in a detrimental impact on trees, highways, or ecology. Subject to the recommended conditions and S106 Agreement to secure a SANG and SAMM contributions in order to mitigate the impact on the TBHSPA, the application was recommended for approval.

The Committee discussed the application and noted that given it was proposed to be located in an urban area that was characterized by a mixture of housing types it represented an appropriate form of development.

The Committee discussed the on-street parking arrangements and whether a condition could be applied to require the residents of the new dwellings proposed to not be able to apply for on-street parking permits. The Head of Place confirmed that on-street parking was controlled by a different part of the Council. The proposed parking and access arrangements onsite however had not drawn objection from the Highway Authority. Planning officers had also taken into consideration what the Inspector had said regarding a previous appeal decision on this site where the mixed urban grain had been considered appropriate for the dwellings as proposed. It was also further clarified by the Legal Advisor, James Tong that planning conditions could not be used to control the parking arrangements. Planning officers were content that sufficient parking had been provided for a development of this scale. Controls on the public highway were dealt with by other legislation. If planning harm was identified, then that could be addressed via a legal agreement, such as by making a contribution to alter a Traffic Regulation Order.

The Committee agreed overall that the principle of development was acceptable and would lead to the creation of four (three net) family sized homes in a sustainable location that reflected the character of the area.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ramsey Nagaty		X	
2	Cait Taylor	X		
3	David Bilbe	X		
4	Ruth Brothwell		X	
5	Fiona White	X		
6	Jon Askew	X		
7	Will Salmon	X		
8	Angela Goodwin	X		
9	Tony Rooth	X		
10	Colin Cross	X		
11	Angela Gunning	X		
12	Paul Spooner	X		
13	Maddy Redpath	X		
14	Chris Blow	X		
	TOTALS	12	2	0

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 22/P/00038 subject:

- (i) That a S106 Agreement be entered into to secure:

A SANGS contribution and an Access Management and Monitoring Contribution in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area.

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

PL7 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeals.

The meeting finished at 8.19 pm

Signed

Chairman

Date

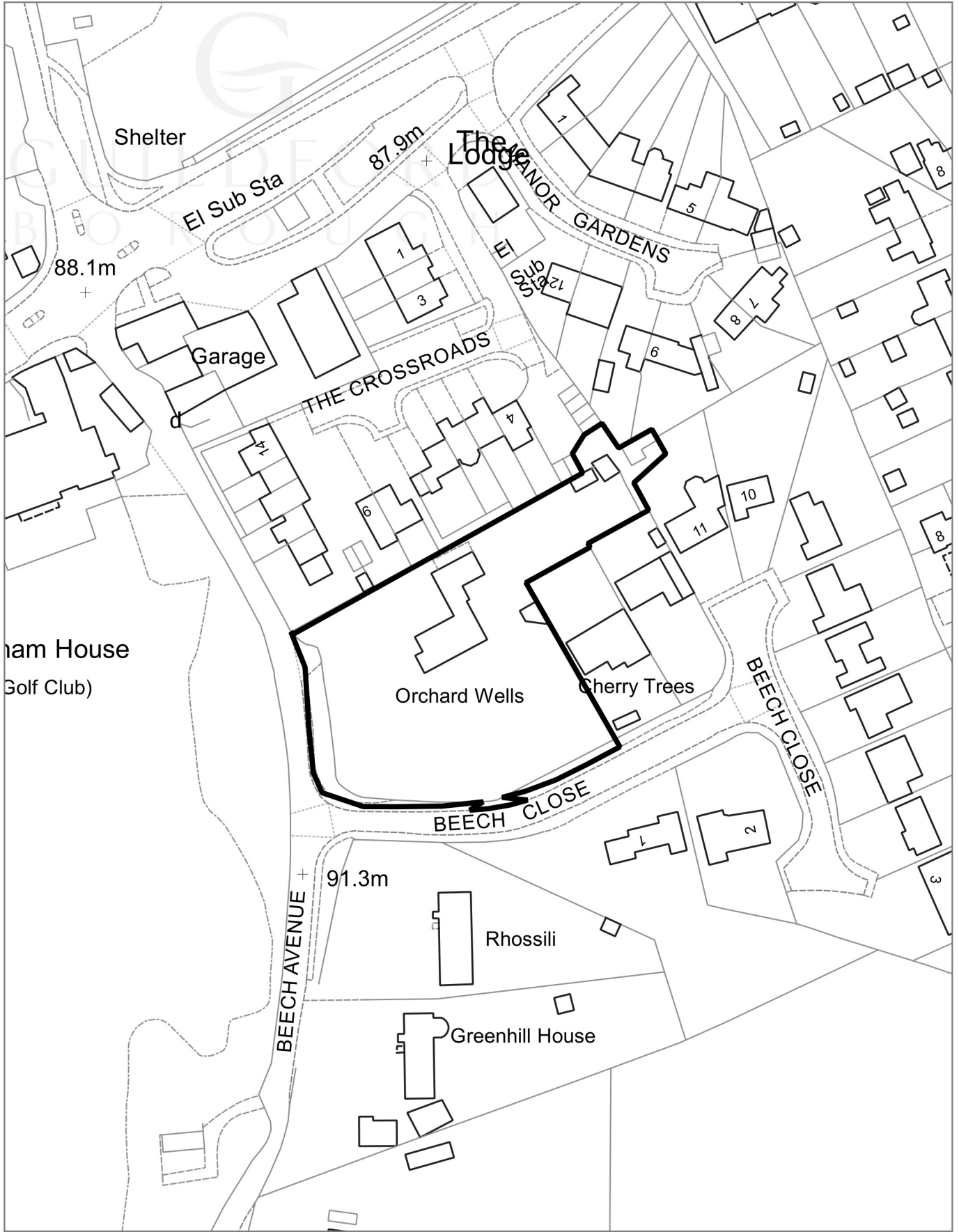
GUILDFORD BOROUGH COUNCIL**PLANNING COMMITTEE INDEX****15/06/2022**

Item No.	Parish	Applicant	Location	App.No.	Rec.	Page
5.1	Effingham	Mr Grimshaw, Claremont Finesse Ltd	Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG	21/P/02246	APPC	33.
5.2	Worplesdon	Mr Nash, 54 Liddington, New Road	54 Liddington, New Road, Guildford, GU3 3AH	21/P/02477	APPC	57.
5.3	Shalford	Mr Simon Goldsworthy, 24 The Street	24 The Street, Shalford, Guildford, GU4 8BT	22/P/00110	APPC	67.
5.4	Shalford	Mr Simon Goldsworthy, 24 The Street	24 The Street, Shalford, Guildford, GU4 8BT	22/P/00111	APPC	79.

Total Applications for Committee**4**

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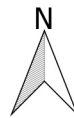
21/P/02246 - Orchard Walls, Beech Avenue, Effingham, Leatherhead



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Print Date: 27/05/2022



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GUILDFORD
BOROUGH

21/P/02246 – Orchard Walls, Beech Avenue, Effingham, KT24 5PG



Not to scale

App No: 21/P/02246
Appn Type: Full Application
Case Officer: James Overall
Parish: Effingham
Agent : Mrs Collins
Solve Planning Ltd
Sentinel House
Ancells Business Park
Harvest Crescent
Fleet
GU51 2UZ

8 Wk Deadline: 17/12/2021

Ward: Effingham
Applicant: Mr. Grimshaw
Claremont Finesse Ltd
1A Cobham High Street
Cobham
GU51 2UZ

Location: Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG
Proposal: Demolition of the existing property and erection of 8 dwellings with a new access provided onto Beech Close.

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.

A previous application on this site has attended historic Planning Committee's on both 31 March 2021 and 6 October 2021.

In March 2021 Planning Committee was deferred by Members to allow time for a review by the Council's independent consultants of the position on the commuted sum for affordable housing which had been provided at late notice by the applicant prior to that meeting.

In October 2021 planning permission was granted following consideration by planning committee.

Key Information

The application site is situated on the corner of Beech Avenue and Beech Close. A mature boundary beech hedge surrounds the site on the road frontages.

The site has been inset from the Green Belt and is adjacent to the Effingham Conservation Area and is within the 5km to 7km buffer zone of the Thames Basin Heath Special Protection Area.

Vehicular access would be via a new access off Beech Close.

Three no.4 bed dwellings, one no.3 bed dwelling, and three no.2 bed dwellings are proposed.

A commuted sum of £178,844 for affordable housing would be secured via a Section 106 Legal Agreement.

Summary of Considerations and Constraints

The site is allocated in the Effingham Neighbourhood Plan (ENP) for residential development, and is identified for up to 6 homes (a net increase of five dwellings)., Therefore the principle of housing development on this site is considered acceptable. The current proposal is therefore to be assessed against relevant policies in the development plan.

The proposed development is considered to be in keeping with the character of this semi-rural surrounding area in terms of design and layout. The proposals would not result in any undue loss of neighbouring amenity in terms of loss of privacy, loss of light or overbearing nature or outlook.

The proposal seeks planning permission for a scheme, which provides three 4-bed dwellings, one 3-bed dwelling and four 2-bed dwellings. As per Policy ENP-H2 this is a compliant housing mix.

The Applicant has submitted information to demonstrate that the previously approved scheme (20/P/00737 is not viable to develop. This information further demonstrates that the current proposal provides a surplus which would be provided as a contribution towards affordable housing. This information has been tested by independent viability consultants appointed by the Council who agree with the conclusions of the submitted information regarding viability.

The applicant has agreed to enter into a legal agreement to secure payment of the commuted sum of £178,844 for affordable housing and the application is subsequently recommended for approval subject to a S.106 agreement and conditions.

RECOMMENDATION:

(i) That a s.106 agreement be entered into to secure:

- a financial contribution for affordable housing

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.

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:
 - AAL-21-217-P02 (Site Comparison & Dimension Plans)
 - AAL-21-217-P03 (Plot 1 Plans & Elevations)
 - AAL-21-217-P04 (Plot 2 Plans & Elevations)
 - AAL-21-217-P05 (Plot 3 Plans & Elevations)
 - AAL-21-217-P06 (Plots 4&5 Plans & Elevations)

- AAL-21-217-P07 (Plots 6&7 Plans & Elevations)
 - AAL-21-217-P08 (Plot 8 Plans & Elevations)
 - AAL-21-217-P09 (Section AA)
 - AAL-21-217-P10 (Section BB (Street Scene))
 - AAL-21-217-P11 (Section CC)
 - AAL-21-217-P12 (Bicycle Sheds for All Units)
 - AAL-21-217-P13 (Existing House Floor Plans)
 - AAL-21-217-P14 (Existing House Elevations)
 - AAL-21-217-P15 (Comparison Sections)
- received 22 October 2021.

- AAL-21-217-P01 Rev A (Site Layout, Block Plan & Site Location Plan)
- received 24 May 2022.

- 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 any development above slab level 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.
4. Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

- Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's 'Climate Change, Sustainable Design, Construction and Energy' SPD 2020.
5. 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.

6. Reason: To improve water efficiency in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Beech Close has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

7. Reason: The above condition is required 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 National Planning Policy Framework 2021; as well as Policy ID3 of the Guildford Local Plan (2019). The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan for vehicles and cycles 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.

9. Reason: The above condition is required 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 National Planning Policy Framework 2021; as well as Policy ID3 of the Guildford Local Plan (2019). The development hereby approved shall not be first occupied unless and until existing access from the site to Beech Avenue has been permanently closed and any kerbs, verge, footway, fully reinstated.

10. Reason: The above condition is required 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 National Planning Policy Framework 2021; as well as Policy ID3 of the Guildford Local Plan (2019). The development hereby approved shall not be occupied unless and until the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained for their designated purposes.

Reason: The above condition is required 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 National Planning Policy Framework 2021; as well as Policy ID3 of the Guildford Local

11. Plan (2019).
No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) management of HGV deliveries and hours of operation
 - (f) measures to prevent the deposit of materials on the highway
 - (g) on-site turning for construction vehicles
 - (h) on-site turning for construction vehicles
 - (i) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.30 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beech Close and Beech Avenue during these times

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required 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 National Planning Policy Framework 2021; as well as Policy ID3 of the Guildford Local Plan (2019).

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

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

13. The development hereby approved shall not be first occupied until a hard and soft landscaping scheme, including details and samples of hard landscaping and details of the number and species type of proposed trees/plants, has been submitted and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme, other than planting, seeding or turfing, shall be implemented in accordance with approved details and samples prior to the first occupation of the development. All planting, seeding or turfing shown on the approved landscaping proposal shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

- Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and also to protect neighbouring amenity.
14. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) as recommended in the submitted Arboricultural Assessment Report by Harper Tree Consultants dated 24 February 2020 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing 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.

15. The first-floor windows in the side elevations of the dwellings hereby approved shall be glazed with obscure glass and permanently fixed shut unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

16. Prior to the first occupation of the development details of Ecological Enhancement measures in line with the recommendations of the ethos Environmental Planning Ecological Assessment Report dated July 2020 shall be submitted to and approved in writing by the Local Planning Authority. The agreed enhancement measures shall be implemented prior to the first occupation of the development (unless otherwise stated in the agreed document) and shall thereafter be maintained in accordance with the agreed details.

Reason: In order to protect the nature conservation and biodiversity value of the site.

17. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the ethos Environmental Planning Ecological Assessment Report dated July 2020.

Reason: To ensure protected species are protected during the construction of the development.

18. The Beech Hedge running along the site boundary adjacent to Beech Avenue and Beech Close as shown on plan no.AAL-21-217-P01 Rev A shall

be retained, and in the event of death within 5 years of the date of decision notice, replanting shall occur.

19. Reason: In the interests of the character and appearance of the Effingham Conservation Area in accordance with Policy HE10 of the Guildford Borough Local Plan 2003 and Policy ENP-G2 of the Effingham Neighbourhood Plan. The existing boundary walls to the site as shown on plan no.AAL-21-217-P01 Rev A shall be permanently retained and maintained.

20. Reason: In the interests of the character and appearance of the Effingham Conservation Area. No development shall commence until a Site Waste Management Plan has been submitted to an 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.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Class A, shall be carried out on the dwellinghouses hereby permitted or within their curtilage.

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions at the property, in order to safeguard the character of the area and the residential amenities of adjoining properties.

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 as originally submitted was unacceptable but Officers chose to work with the applicant and sought amended plans and a viability report to overcome Officers concerns.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
4. 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).
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.
6. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector

types.

Officer's Report

Site description.

Orchard Walls is a large, detached property situated on a plot of 0.37 acres. The site is situated on the corner of Beech Avenue and Beech Close with the road boundaries being characterised by a tall Beech hedge. The existing property is accessed off Beech Avenue.

The site lies within an area inset from the Green Belt and within the 5km to 7km buffer zone of the Ockham and Wisley Common Special Protection Area. The site also lies directly adjacent to the Effingham Conservation Area on its northern boundary.

The site is allocated in the Effingham Neighbourhood Plan for up to six new residential dwellings which includes the existing house on the site, a net increase of five dwellings (Policy SA3).

The site is within the Flood Zone 1 (defined as having a low probability of flooding)

Proposal.

Demolition of the existing property and erection of 8 dwellings with a new access provided onto Beech Close.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/00737	Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close. (Amended description with amended plans received 21 July 2021 - changing the housing mix to provide smaller homes)	Approve 13/10/2021	N/A

Consultations.

Statutory consultees

County Highway Authority:

- The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds.
- No objection subject to conditions relating to:
 - visibility zones to be constructed and provided and permanently kept clear of obstruction;
 - parking and turning of vehicles so that they may enter the site in forward gear;
 - bicycle secure parking;
 - closure of the existing access on Beech Avenue;
 - electric parking socket provision; and
 - a Construction Transport Management Plan.

Thames Water:

- No response received.

Archaeology:

- The site is not within an area identified as being of High Archaeological Potential, and is below the 0.4 ha area that would require the submission of an archaeological assessment and so there is no policy requirement for archaeology to be considered as part of this planning application.
- Surrey Wildlife Trust:
- advise that the LPA seek assurances from the Project Ecologist on the suitability of bat boxes for serotine.

Internal consultees

Head of Environmental Health and Licensing:

- No objections

Effingham Parish Council

Objection on following grounds:

- over development
- viability
- departure from Policy ENP-SA3
- housing need
- parking

Amenity groups/Residents associations

Effingham Residents Association

Objection on following grounds:

- departure from Policy ENP-SA3
- density proposed of the site is contrary to ENP-G2 of the Effingham Neighbourhood Plan as it is almost double (22dph) the neighbouring development in Beech Close (12dph)
- overbearing in this sensitive location on the border of the Conservation Area. The approved scheme had maximum roof heights of 5.926m but this application proposes roof heights of 7.333m
- housing need
- heritage
- trees/hedges
- ecology
- parking
- highway safety

Third party comments:

27 letters of representation has been received from 26 persons of 18 different residencies. All of these letters objected to the application on the following grounds:

- Departure from Policy ENP-SA3
- Overdevelopment
- Uncharacteristic density

- Undue scale and massing
- Overlooking
- Overshadowing
- Highway Safety
- Parking
- Viability
- Air quality pollution
- Trees & Hedging
- Ecology (bats allegedly nesting in existing dwelling)
- Heritage & Conservation Area
- Covenant re: access at rear of Plot 8
- Noise and disturbance
- Lighting/Dark Skies
- Utilities/Services
- Visual Amenity
- Potential future development/change of use

Planning policies

- Chapter 2: Achieving sustainable development
Chapter 5: Delivering a sufficient supply of homes
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 16: Conserving and enhancing the historic environment

Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019)

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

- Policy S1: Presumption in favour of sustainable development
Policy H1: Homes for all
Policy D1: Place shaping
Policy D2: Sustainable design, construction and energy

- Policy D4: Character and design of new development
Policy D3: Historic Environment
Policy P5: Thames Basin Heath Special Protection Area
Policy ID3: Sustainable transport for new developments
Policy ID4: Green and Blue infrastructure

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

- G1(3) Protection of Amenities Enjoyed by Occupants of Buildings
G1(8) Light Pollution
G1(12) Safeguarding and Enhancement of the Landscape and Existing Natural Features
G5 Design Code
HE10 Development Which Affects the Setting of a Conservation Area
NE4 Species Protection

NE5 Development Affecting Trees, Hedges and Woodlands

Effingham Neighbourhood Plan 2018:

ENP-G1 A Spatial Plan for Effingham
ENP-G2 Landscape, Heritage, Character and Design
ENP-G3 Archaeology and the Historic Environment
ENP-G5 Assessing suitability of sites for residential development
ENP-H1 New Homes in Effingham
ENP-H2 Mix of Housing
ENP-ENV2 Wildlife Corridors and Stepping Stones
ENP-ENV4 Dark Skies
ENP-R1 Car Parking
ENP-SA3 Land at Orchard Walls

Supplementary planning documents:

Residential Design Guide (2004)
Vehicle Parking Standards 2006/SCC Vehicular and Cycle Parking Guidance 2018
Climate Change, Sustainable Design, Construction and Energy 2020
Planning Contributions 2017

Other guidance

Guildford Borough Council - Guidance on the storage and collection of household waste for new developments July 2017
Technical housing standards - Nationally described space standard 2015 (DCLG)
National Design Guide (2021)

Planning considerations.

Chapter 5 of the NPPF sets out the government's objective of significantly boosting the supply of homes.

The Council can demonstrate a five-year housing land supply with an appropriate buffer. This supply is assessed as 7.00 years based on most recent evidence as reflected in the GBC LAA (2021). In addition to this, the Government's recently published 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 215 (75%). Therefore, the Plan and its policies are regarded as up to date in terms of paragraph 11 of the NPPF.

The main planning considerations in this case are:

- the principle of development
- the layout of the development and the scale and appearance of the buildings
- house types and tenure mix
- the impact on heritage assets
- the impact on residential amenity
- highway/parking considerations
- impact on trees
- ecology
- sustainable design and construction
- flooding
- infrastructure requirements
- presumption in favour of sustainable development

- legal agreement requirements

The principle of development

Following the adoption of the Local Plan 2019, the site is no longer designated as Green Belt land and therefore Policy P2 (Green Belt) is no longer relevant; likewise Chapter 13 of the NPPF 2021.

The Effingham Neighbourhood Plan (ENP) is part of the Development Plan following adoption on 10th April 2018. The application site is allocated for residential development under policy ENP-SA3 of the Effingham Neighbourhood Plan. The allocation sets out a number of criteria which any proposal must be considered against. The main criterion being that the site is allocated for residential development up to 6 dwellings replacing the existing house (a net increase of 5). It is noted that this application seeks the erection of 8 dwellings.

As per Policy ENP-SA3, redevelopment of the site is subject to the following:

1. compliance with policies ENP-G2, ENP-H2 and ENP-R1 of this Neighbourhood Plan
2. design to be in keeping with the buildings in the nearby Effingham Conservation Area, including the Grade II listed buildings, and maintaining the shared red brick boundary wall which runs along the boundary of the Effingham Conservation Area.
3. demonstration that the setting of the Effingham Conservation Area, and the character and appearance of Beech Avenue and Beech Close, are preserved and enhanced by the development
4. the landscaping and layout of any proposals should conserve, as far as possible, the beech hedging along the boundary to preserve the character of the Beech Avenue area
5. the main vehicular access is not on to Beech Avenue, to avoid worsening traffic problems along this busy road

The five points above will be appropriately assessed within the relevant sections set out within this report.

Number of dwellings proposed

The number of dwellings proposed is greater than that sought by the ENP policy EN-SA3. However, simply exceeding the number of units allocated within a development plan allocation does not in itself represent a reason for refusal, therefore, it is necessary to consider whether any harm would result as a consequence in this uplift. The housing density of the site would remain characteristic of the area with 21.6 dwellings per hectare (for comparison, The Crossroads has 27 dwellings per hectare, and Beech Close has 12 dwellings per hectare). It is further considered that any harm to the amenities of neighbouring residents from this revised proposal would be limited particularly in relation to the accepted principle of the redevelopment of the site

Furthermore, Policy ENP-H2 states: "New residential development should be designed to limit the opportunity for the future extension of small homes to ensure the retention of a sufficient stock of two-bedroom dwellings and provide choice into the future."

The revised scheme that this application proposes would provide for four No. 2 bedroom houses in relatively small plots which would help to reduce the potential for dwellings to be extended over time.

The layout of the development and the scale and appearance of the buildings

Paragraph 126 of the NPPF states that "*the creation of high quality, beautiful and sustainable*

buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". The NPPF notes in paragraph 130 that decisions should ensure that developments are inline with 6 criteria relating to quality, attractiveness, character, sense of place, mix, safety and accessibility.

Policy D1 of the LPSS provides the Council's requirements with regard to place shaping. Point 4 states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting.

Policy ENP-G2 of the Effingham Neighbourhood Plan covers '*Landscape, Heritage, Character and Design*' and seeks to conserve the essential landscape, heritage and rural character of the Plan Area whilst promoting sustainable development within the village area in accordance with ENP-G1, which sets out the spatial plan for Effingham.

- None of the key strategic views and vistas described in schedule (A) of the Effingham Neighbourhood Plan are impacted by the proposal set out within this application.
- No.22 of the Effingham Local List identified within schedule (B) of the Effingham Neighbourhood Plan relates to the old wall which runs along Beech Avenue to the north-west of the application site, and also forms boundaries of the application site. The wall is shown on the submitted site layout plan (dwg. no. AAL-21-217-P01 Rev A) and is specifically noted to be retained. A condition is recommended to ensure the enforceability of retaining this wall in the interest of heritage.
- The beech hedge is to be retained, as well as the historic boundary walls. Further to this, five of the properties (Plots 4-8) are proposed as chalet bungalows in order to respect the heights and scale of neighbouring properties, which allows the scheme to maintain the character of the built environment.
- The elevations of the dwellings are of a design which are consistent with the character of the locality. As for the final palette of materials, these can be conditioned and therefore one is recommended seeking details and samples.

The dwellings in the surrounding area are of varying designs, ages and sizes. The proposed development of 8 dwellings would have a density of 21.6 dwellings per hectare which compares with an existing density of Beech Close of 12 dwellings per hectare and The Crossroads at 27 dwellings per hectare. (For context, six dwellings on the site would have a density of 16.2 dph). The proposed development would be accessed off Beech Close and would be laid out as a simple cul-de-sac of dwellings. The tall beech hedge that forms a distinctive feature around the road frontages to the site would be retained with the exception of the area where the new access would be created. The current access to the existing dwelling would be closed and replaced with a new infill section of beech hedge to match the existing.

Given the application site does not fall within the Conservation Area and the beech hedging is not protected, there is nothing to protect or prevent the hedge from being removed prior development.

The beech hedging is considered an important feature in the locality and contributes significantly to the appearance of the Effingham Conservation Area. It is therefore considered reasonable to attach a condition to any grant of planning permission securing the retention of the hedge. In this instance, as infill planting is proposed within the existing site access and removal would occur along Beech Close to create a new access, it is suggested that the condition specify that in the event of the death or disease within 5 years from the date of the decision notice, replanting shall

occur.

The proposal for eight dwellings has been carefully assessed against the relevant policies in the development plan. The spacing between the proposed dwellings is considered acceptable. Plots 1, 2 and 3 would remain as proposed in the extant permitted scheme, each being 4 bedroom detached houses. Plots 4 and 5 and Plots 6 and 7 are semi-detached chalet bungalows, to assist in reflecting the scale and character of the adjacent properties in Beech Close. Plot 8 is also a chalet bungalow property, although detached, adjacent to the boundary with properties within The Crossroads that back onto the site. It is noted that the heights of the properties have increased compared with the extant permission; however, this is to accommodate the rooms in the roof, which allow the buildings to be chalet bungalows, rather than bungalows. Whilst the ridge heights have increased by 1.4m, given that the eaves heights commence from the ceiling of the ground floor, and the roofs include barn hips, their bulk is minimised, which allows them to not appear overbearing and this element is not considered to have a detrimental impact.

A condition requiring details of proposed materials is recommended to ensure appropriate materials are used that reflect the semi-rural character of the area.

Landscaping of the site is proposed to ensure the proposals are sympathetic to the site and its surroundings. A landscaping condition is recommended to ensure appropriate landscaping is achieved to ensure visual amenities and neighbouring amenities are protected.

It is considered that the proposed development is compliant with Policy D1 of the LPSS, Policy ENP-G2 of the Effingham Neighbourhood Plan, the NPPF 2021 and the National Design Guide 2021.

House types and tenure mix

Policy ENP-H2 of the Effingham Neighbourhood Plan relates to Mix of Housing, providing a localised version of the LPSS Policy H1 in relation to Effingham. This Policy seeks that new residential developments of fewer than 10 units are required to provide the following mix of housing tenures, types and sizes to meet local housing requirements:

- At least 50% of market homes shall have one or two bedrooms.
- The percentage of affordable homes shall be as set out in the Guildford Borough Local Plan (Policy H2)

An exception to these requirements will only be permitted where the intention is to meet a specific housing need which requires a particular size or type of housing or, for reasons of financial viability, an alternative mix is required. Such exceptions must be supported by clear and recent evidence.

In addition to the above, Policy ENP-H2 seeks new residential development be designed in such a way to limit the opportunity for the future extension of small homes for the purposes of ensuring the retention of a sufficient stock of two-bedroom dwellings and provide choice into the future.

The proposed development provides three 4-bed dwellings, one 3-bed dwelling, and four 2-bed dwellings. As such 50% of the market homes will have one or two bedrooms as required by Policy ENP-H2 of the Effingham Neighbourhood Plan.

Plot 1: 4-bed (8-persons), double garage

Plot 2: 4-bed (8-persons), single garage

Plot 3: 4-bed (8-persons), single garage

Plot 4: 2-bed (3-persons)

Plot 5: 2-bed (3-persons)

Plot 6: 2-bed (3-persons)

Plot 7: 2-bed (3-persons)

Plot 8: 3-bed (6-persons), double garage

Given the above and with the addition of a condition removing permitted development rights from the properties (Schedule 2, Part 1, Class A - as this is the main class which would impact dwelling size and could lead to a future unbalance in housing mix); it is considered that the proposal is compliant with Policy ENP-H2 of the Effingham Neighbourhood Plan; Policies H1 and H2 of the LPSS; and the NPPF 2021.

Policy H2 states that in Designated Rural Area, for developments of between 6 and 10 dwellings a financial contribution in lieu of on-site provision will be sought. The application proposal provides for a contribution towards affordable housing which has been assessed through the Viability Assessment Review. Overall, the proposal is considered to comply with the requirement of Policy ENP1-H1, ENP -H2 of the Effingham Neighbourhood Plan and Policy H1 of the Local Plan (2019).

The impact on heritage assets

The heritage assets most affected by the proposals are:

- Effingham House (grade II listed)
- Crosslands (grade II listed)
- Effingham Conservation Area

Listed Buildings

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that "*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*". The NPPF sets out that in para 195 that the local planning authority "*should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)*".

Paras 201-205 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a statutory test, which states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy D3 of the LPSS seeks development of the highest design quality that will conserve, sustain and, where appropriate, enhance the special interest, character and significance of heritage assets and their settings.

The two Grade II listed buildings within the vicinity, Effingham House and Crosslands, are considered to be sufficiently distant from the application site so as to not be adversely impacted by the proposed development.

Conservation Area

Saved Policy HE10 relates to development which affects the setting of a Conservation Area.

Given the location of the development on the edge of the Effingham Conservation Area, it is necessary to consider how the proposed development would relate to this heritage asset. The site itself does not lie within the Conservation Area however the northern and western boundaries of the application site mark the boundary of the Effingham Conservation Area. There is an existing locally listed wall that runs along the northern boundary of the site. The listing identifies that this was the old boundary wall from the site when the site formed part of the orchard/kitchen garden of the Effingham House Estate. The submitted plans reference that this wall is to be retained. A condition relating to the retention of the wall is recommended to ensure it is permanently maintained and retained. This meets one of the criteria set out within Policy ENP-SA3.

On the western boundary of the site which also forms the boundary of the Conservation Area is a mature Beech Hedge which then also runs along the southern boundary of the site. The Beech Hedge is to be retained with the existing access to the property infilled with beech hedging to match the existing. The new access to the development site will require a section of the hedge being removed on the southern boundary. The Beech Hedge is an important feature in the locality and is visually attractive. A condition to ensure the retention of the Beech Hedge is considered necessary and appropriate in this location. Given that Policy ENP-SA3 requires the main access for any proposed development on this site not be via Beech Avenue, as well as requiring the beech hedging to be conserved as far as possible; this scheme is considered to be compliant with Policy ENP-SA3 from this perspective.

Given the above assessment, it is considered that the proposed scheme has been designed to be in keeping with the buildings in the adjacent Effingham Conservation Area, and the setting of the Effingham Conservation Area is fully preserved by this development. The proposal is therefore compliant with Policy D3 of the LPSS, Policy ENP-SA3 of the Effingham Neighbourhood Plan and Chapter 16 of the NPPF 2021.

The impact on residential amenity

Neighbour amenity

The properties most affected by the proposals are Nos. 4,5, 6,7,8,9 and 10 The Crosslands and the properties Cherry Trees and Nos. 11 and 12 Beech Close, all of which lie immediately adjacent to the application site.

Plot 1 has no side facing windows at first floor level other than bathroom windows which are recommended to be conditioned to ensure they are obscure glazed and fixed shut below 1.7 metres. Whilst Plot 1 would be on slightly higher land than properties within The Crosslands, due to the slope of the land as well as the separation distances and the orientation of the properties in relation to one another, it is considered that there would be no undue harmful impact on neighbouring amenity.

Plot 8 would be in a similar position to the existing dwelling, Orchard Walls. The property would be a chalet bungalow and no windows within the flank elevation are proposed facing the rear gardens of properties in The Crosslands nor properties in Beech Close. Whilst the extant permission does not include rooms in the roofspace, the upperfloor windows within the proposed

chalet bungalow would be front/rear facing only. Any overlooking from these windows would view the rear ends of the neighbouring gardens. Given the site is within an existing settlement, some overlooking is to be expected and any harm resulting from this scheme is not considered to be detrimental. Given the existing situation, it is considered that any impact of Plot 8 on neighbouring amenity would be no greater than the existing situation.

Plots 6 & 7 would be immediately adjacent to Cherry Trees. The host building would be a chalet bungalow, and it is noted that Cherry Trees is also a chalet bungalow. Given the proposed chalet bungalow limits the maximum height, it is considered that it would not impact unduly on the neighbouring property.

Whilst the points raised in relation to disturbance during the construction period are noted, it is inevitable that there will be a degree of disruption and disturbance during the construction process on any scheme, however, it is not reasonable to refuse a planning application on this basis. However, a condition is recommended in relation to hours of work given the residential nature of the surrounding area.

New occupier amenity

Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards (NDSS).

The proposed sizes of each of the 8 dwellings would meet with the DCLG's Technical Housing Standards - Nationally described Space Standards (March 2015) and the requirements of Policy H1 of the new local plan. The dwellings would also have a good standard of private amenity space. As such it is considered that a satisfactory environment in terms of outlook, privacy and adequate garden / amenity space would be provided with a suitable internal layout.

Highway/Parking Considerations

Car Parking

Policy ENP-R1 of the Effingham Neighbourhood Plan relates to Car Parking.

The proposed development proposes 5 visitor spaces and the following car parking spaces for each of the proposed dwellings:

- Plot 1: Two car parking spaces and two garage spaces
- Plot 2: Two car parking spaces and one garage space
- Plot 3: Two car parking spaces and one garage space
- Plot 4: Two car parking spaces
- Plot 5: Two car parking spaces
- Plot 6: Two car parking spaces
- Plot 7: Two car parking spaces
- Plot 8: Two car parking spaces and two garage spaces

The proposed car parking provision meets the requirements of Policy ENP-R1 of the Effingham Neighbourhood Plan and is in line with the Council's parking standards.

Cycle storage

The cycle parking requirement in the SPD is 1 cycle space per unit and in the guidance from Surrey County Council, it is one space for 1 and 2-bedroom units and two spaces for 3+ bedroom unit. Each dwelling will have a shed in the garden, which measures 1.96m (depth) by 1.24m (width), for the purposes of securely storing bicycles. It is therefore considered that the proposed dwellings would have suitable, covered and secure cycle storage.

Highway/Parking Summary

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds have raised no objections to the proposals subject to the imposition of conditions relating to:

- visibility zones to be constructed and provided and permanently kept clear of obstruction;
- parking and turning of vehicles so that they may enter the site in forward gear;
- bicycle secure parking;
- closure of the existing access on Beech Avenue;
- electric parking socket provision; and
- a Construction Transport Management Plan.

A Construction Transport Management Plan is considered justified in this case due to the location of the site close to the junction of Beech Avenue and Beech Close. In addition, it is considered necessary due to concerns raised by local residents in relation to the existing rear access to Orchard Walls through the garages of properties in the Crosslands. A pre commencement condition relating to a Construction Transport Management Plan is recommended.

Impact on trees

The site lies outside of the Effingham Conservation Area and there are no Tree Preservation Orders relating to the application site. An Arboricultural Assessment has been submitted with the application. The comments by residents that a number of trees were removed from the site prior to the application being made are noted.

The assessment states:

"Although a lot of trees will be removed to allow the proposed development scheme to be completed, many of these will be mitigated by the planting of some smaller, but high quality trees once construction is completed and the landscaping is being carried out. In this respect, I consider the net arboricultural impact to be acceptable".

The Arboricultural Assessment recommends an Arboricultural Method Statement and a Tree Protection Plan. These can be secured through a pre commencement condition. In addition, a landscaping condition is recommended to secure appropriate tree planting and an appropriate landscaping scheme to ensure the semi-rural character of the area is retained. The Council's tree officer has reviewed the information and is content with the approach.

Ecology

An ecological assessment report by ethos Environmental Planning dated July 2020 has been submitted with the application and a number of mitigation measures have been detailed in this report. A condition is recommended to ensure the mitigation measures included within this report are carried out. In addition, the ecological assessment report details a number of ecological enhancement measures. A further condition securing these further ecological enhancement measures is recommended to protect the nature conservation and biodiversity value of the site.

Sustainable design and construction

The NPPF emphasises the need to plan proactively for climate change and new developments are required to meet the requirements of paragraphs 150 through climate change adaptation, provision of green infrastructure and reduction of greenhouse gas emissions. Paragraph 153 then states new development should comply with local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise

energy consumption.

Policy D2 of the LPSS is the Council's policy to require new development to take sustainable design and construction principles into account, including adapting to climate change, and reducing carbon emissions and is supported by the Climate Change, Sustainable Design, Construction and Energy SPD 2020.

Policy D2 sets out that there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of energy efficiency measures and low or zero carbon technologies and include water efficiency measures in line with building regulations. As this is not a major application these measures can be secured by condition.

The applicant has not submitted and details of waste management to address matters in relation to minerals efficiency, waste reduction and the prioritisation of reuse and recycling for waste material, which is a requirement of policy D2 and guidance set out in the Council's Climate Change, Sustainable Design, Construction and Energy SPD. Further details shall therefore, be secured by condition.

Infrastructure requirements

Concerns have been raised regarding significant increase in demand for utilities and local infrastructure in Effingham. The proposal is of a minor scale where the Council is unable to seek financial contributions towards such infrastructure matters. Nevertheless, given the minor scale with a net increase of 7 dwellings it is considered unlikely that the development would put an unacceptable strain on local infrastructure.

Viability

Given that this is a small site the provisions of policy H2 of the Local Plan are relevant which seek financial contributions towards affordable housing, rather than on site provision.

The original submission suggested a surplus of around £88,000, however, during the viability review process this has been challenged and by making adjustments the surplus figure is significantly increase. The conclusions are that the proposed scheme would, allowing for a developers profit of 17.5%, produce a surplus of £178,844. This amount would be secured by a s106 Obligation for affordable housing and has been agreed.

The applicants state that this application for the provision of 8 dwellings is driven by the need to balance the viability of the proposals against the policy requirement to provide 50% small dwellings (Policy ENP-H2) which, they state cannot be not achieved with the extant permission.

ENP-H2: Mix of housing states that:

New residential development of fewer than 10 units is required to provide the following mix of housing tenures, types and sizes to meet local housing requirements:

- At least 50% of market homes shall have one or two bedrooms.
 - The percentage of affordable homes shall be as set out in the Guildford Borough Local Plan.
- An exception to these requirements will only be permitted where the intention is to meet a specific housing need which requires a particular size or type of housing or, for reasons of financial viability, an alternative mix is required. Such exceptions must be supported by clear and recent evidence.

By implication this policy requirement enforces imposes plot sizes, which lends itself to higher

densities. The Neighbourhood Plan also recognises that some three-bedroom homes are likely to be necessary to ensure the financial viability of residential development. The proposed development demonstrates that this is true and provides half of the proposed dwellings as two-bedroom and is therefore policy compliant in this regard. It is noted that study's are included in the smaller units. Whilst these are additional rooms within the dwellings, they are considered small, ground floor rooms, unlikely to be put to use as additional bedrooms. It is not unreasonable for buildings of these sizes to have such a room and therefore in this instance does not give rise to concern regarding the numbers of bedrooms.

Legal Agreement Requirements

The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 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.

Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

Affordable Housing

Policy H2 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019) states that, "developments of between 6 and 10 dwellings inclusive (gross), a financial contribution in lieu of on-site provision of affordable housing will be sought which is of broadly equivalent value relative to on-site provision".

A Section 106 Legal Obligation has been provided by the applicant which would secure a financial contribution in lieu of on-site provision of affordable housing. The figure agreed is £178,844 which has been tested through the viability review process as the surplus that would result from the development.

Planning balance

The proposed development would provide four smaller homes where there is an identified shortfall in the provision of such dwellings in the area. The Neighbourhood Plan aims to deliver to create a more balanced community by providing a wider choice of homes and widens opportunities for home ownership. This is a significant benefit of the application scheme. Also weighing in favour of the proposal is the financial contribution towards affordable housing which could not be achieved for a lesser development.

The removal of the existing entrance onto Beech Avenue would result in improvements highway safety. Overall it is considered that the benefits of the proposed development would outweigh any harm.

Conclusion:

The principle of residential development of this site is established by its allocation with the Effingham Neighbourhood Plan. The proposed development would provide a density of 21.6 dwellings per hectare (dph), which would sit comfortably between 12dph (Beech Close) and 27dph (The Crossroads) and would be in keeping with the character of the surrounding area. It is considered that the proposed development has been designed to be in keeping with the buildings in the adjacent Effingham Conservation Area and the setting of the Effingham

Conservation Area is fully preserved by this development.

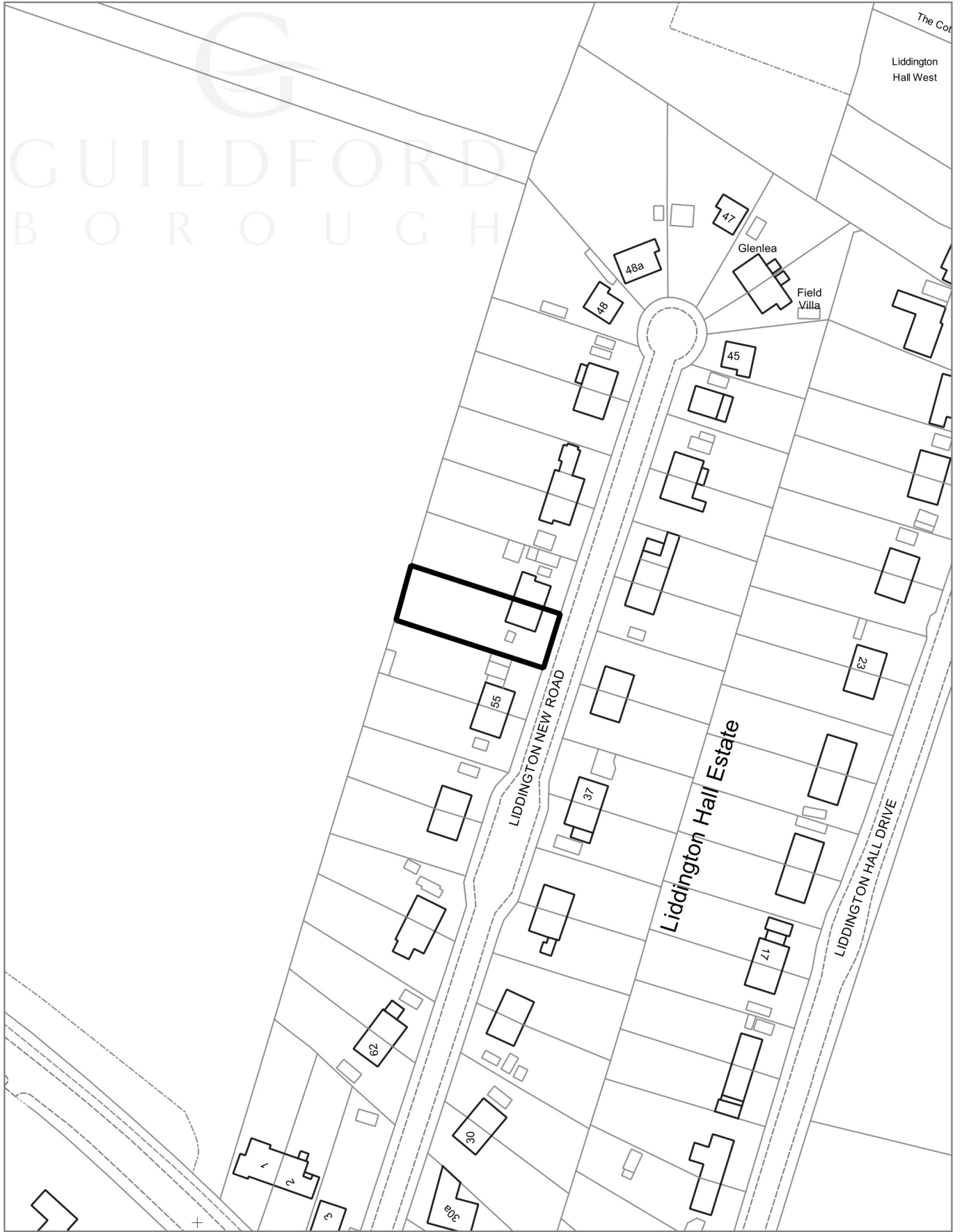
There would be no undue harm to the residential amenities of surrounding properties as a result of the development and the new dwellings would provide a good standard of amenity for future occupiers.

The implementation of the development would contribute £178,844 as a contribution towards affordable housing.

The proposed development is considered to be compliant with the development plan, taken as a whole. It is found to be compliant in principle as set out by Policy ENP-SA3 of the Effingham Neighbourhood Plan. The proposed development is further compliant with the other relevant Policies set out within the Effingham Neighbourhood Plan; Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019); Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007); and the NPPF 2021.

The application is therefore recommended for approval subject to the S106 and conditions.

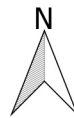
21/P/02477 - 54 Liddington New Road, Guildford



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Print Date: 27/05/2022

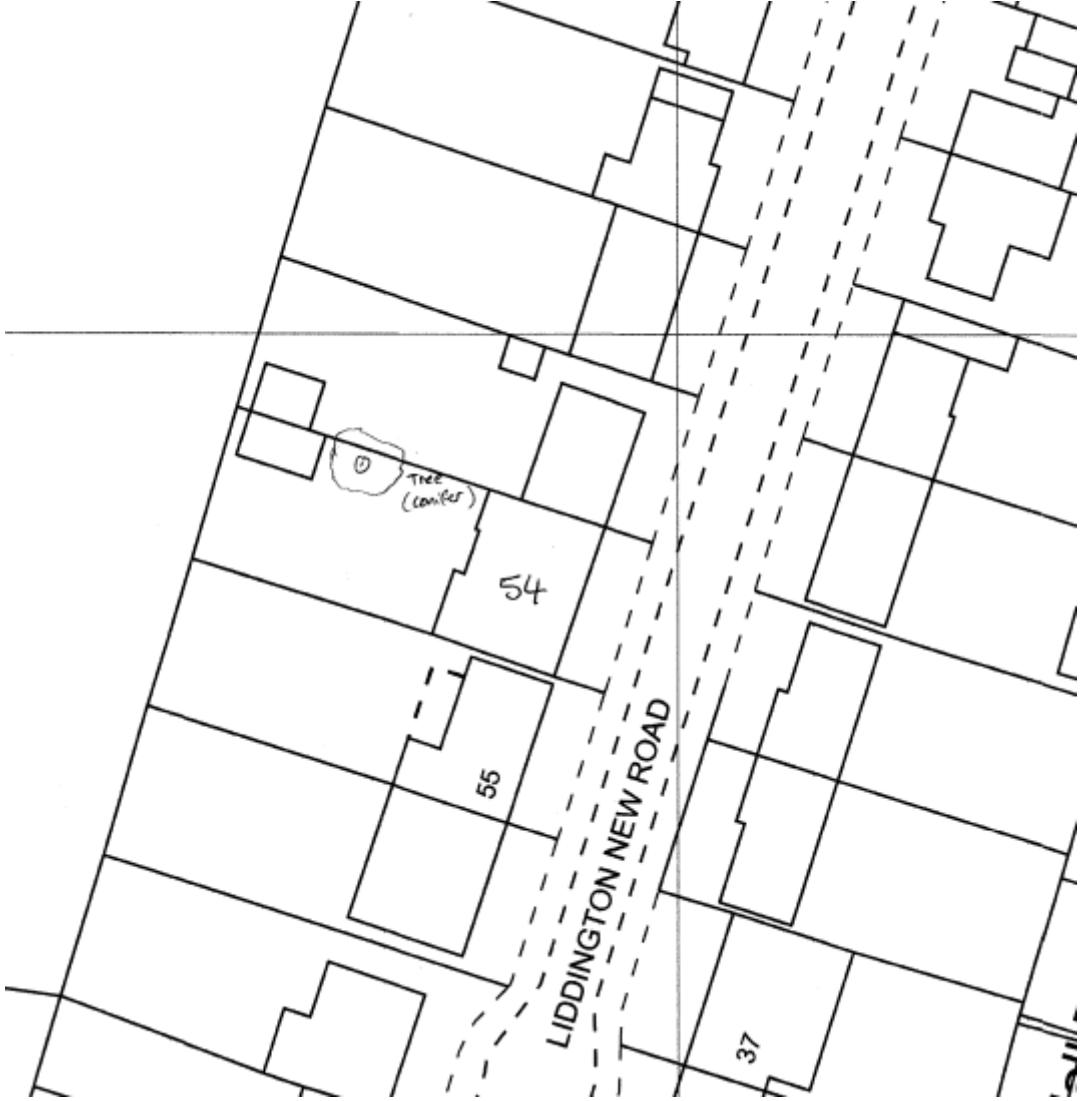


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GUILDFORD
BOROUGH

21/P/02477 – 54 Liddington New Road, Guildford, GU3 3AH



App No: 21/P/02477
Appn Type: Full Application
Case Officer: Maria Vasileiou
Parish: Worplesdon
Agent : Mr. Nash
54 Liddington New Road
Guildford
GU3 3AH

8 Wk Deadline: 17/06/2022

Ward: Worplesdon
Applicant: Mr. Nash
54 Liddington New Road
Worplesdon
Guildford
GU3 3AH

Location: 54 Liddington New Road, Guildford, GU3 3AH
Proposal: Renewal of permission 18/P/02393 (garden room with bed and shower room, retrospective) as full permission.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the proposed property is co-owned by a member of the council's staff.

Key information

The proposal site is a two-storey semi-detached property within the Green Belt and outside of any Identified Settlement Boundary area.

Temporary planning permission for the building was granted under 18/P/02393 for a three year period. This application now seeks full, permanent permission for the retention of the building.

Summary of considerations and constraints

The garden room represents an inappropriate form of development within the Green Belt, by definition. Officers have considered that Very special circumstances (VSC) exist justifying the permanent permission. For this reason the application is considered to be acceptable and is therefore recommended for approval on the basis of a permanent permission subject to a condition limiting it's use to the applicant and family.

RECOMMENDATION:

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

1. This permission shall be personal to Mr and Mrs Nash and resident dependants and shall not take effect for the benefit of the land. Upon the aforementioned ceasing to use the premises for the use permitted, this permission shall cease and become null and void. All material and equipment bought on to the premises in connection with the use shall be removed.

Reason: In granting this permission the local planning authority has had

regard to the special circumstances of the case.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: DN 001, DN 003, SITE PLAN and LOCATION PLAN received on 29/11/2021.

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

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

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

Officer's Report

Site description.

The location site relates to a two-storey semi-detached property within the Green Belt and outside of any Identified Settlement Boundary area. The plot is characterised by mature vegetation and is well screened from neighbouring properties. The surrounding area is residential; consisting of properties similar in character and design.

Proposal.

Renewal of permission 18/P/02393 (garden room with bed and shower room, retrospective) as full permission.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
18/P/02393	Garden Room with fixed bed and shower room (Retrospective)	Approve 27/03/2019	N/A

02/P/00168	Partial demolition of car port, erection of garage and conversion of existing garage into kitchen/dining room.	Approve 01/03/2002	N/A
GU/R 752/6/72/WOR	Erection of a garage size 20 ft. x 20 ft. 6 ins.	Approve with Conditions 1972	N/A

Consultations.

None received.

Third party comments:

One letter of support has been received.

Planning policies.

National Planning Policy Framework (NPPF) 2021:

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
13. Protecting Green Belt land

Guildford Borough Local Plan: Strategy and Sites 2015-2034:

P2	Green Belt
D1	Place Shaping
D2	Climate Change, Sustainable design, construction and energy

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

G1(3)	Protection of amenities enjoyed by occupants of the building
G5	Design Code

Supplementary planning documents:

Residential Extensions and Alterations SPD 2018
Climate Change, Sustainable Design, Construction and Energy 2020

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- the impact on the green belt
- very special circumstances
- the impact on the scale and character of the existing dwelling and the surrounding area
- the impact on neighbouring amenity
- retrospective application
- sustainability

The principle of development

The application seeks full planning permission for the development which was the subject of temporary permission granted under planning application 18/P/02393 for a garden room with bed and shower room, as full permission. The proposal is treated as a retrospective application as the building already exists.

It should be noted that the original permission was decided prior to the Local Plan (2019), when policy under the Local Plan (2003) treated outbuildings as extensions. This is no longer the case, and therefore it is to be treated as a new building,

The proposed garden room (under planning application 18/P/02393) represented a disproportionate addition over the size of the original dwelling, which represents an inappropriate development within the Green Belt, by definition. Very Special Circumstances (VSC) had been proposed, however, the submitted evidence did not justify permanent permission. Therefore, a temporary permission was granted; allowing the proposal to be reviewed again at the end of three year period.

Whilst the way the outbuilding is treated is different from this application, when compared to the original permission; the outcome is the same - it remains inappropriate development and requires Very Special Circumstances.

The impact on the green belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149.

Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 confirms that Green Belt policy will be applied in line with the NPPF.

The proposed development does not fall within any of the exceptions noted in paragraph 149 of the NPPF 2021 regarding the construction of new buildings within the Green Belt.

Therefore, the proposal is found to represent an inappropriate development in the Green Belt and would fail to accord with policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

Very special circumstances

The applicant had provided information, under planing application 18/P/02393, relating to the medical condition of a family member which requires consideration and provides support for the need for additional accommodation at the property.

The initial information suggested that it would be more appropriate to provide additional space within the dwelling itself, however, later information clarified that the provision of accommodation in an outbuilding is appropriate. This did carry significant weight in favour of the application; however, it was noted that there was currently some uncertainty over the long term effects therefore officers could not be certain that the development proposed would have been the most appropriate long term solution.

Therefore based on the information, officers did not consider that permanent permission could be justified given that it represented inappropriate development in the Green Belt.

It was suggested that temporary permission be granted for three years, which was considered to reduce the level of harm to the Green Belt, increase the weight of the benefit to the personal circumstances and allow a further application to be made towards the end of the three year permission when it was likely that there will be a clearer understanding of the long term condition which will increase the justification to allow permanent permission to be granted.

The applicant has provided further information, with the current application, relating to the medical condition of a family member which provides evidence of the benefits of the proposed outbuilding to the health of the family member, which carries significant weight in favour of the application. It is also clear that the quantum of development is appropriate to the needs identified and do not go over and above those needs. Therefore based on the information, currently at hand, officers consider that permanent permission could be justified. The matters are specific to the site and the applicant which indicate that they can be considered as very special.

It is also relevant that a proposed outbuilding, due to its size and location, could be build under Class E of the General Permitted Development Order; however, such an outbuilding cannot be constructed for additional living accommodation under the provisions of Class E of the Permitted Development Order. Therefore, any permitted development structure would not offer the same type of accommodation and it's likelihood of being carried out as an alternative is reduced. As such, the weight given to this fall back position is limited.

However, the personal circumstances are considered sufficient to represent very special circumstances to outweigh the harm to the Green Belt. This is specific to the family members and therefore a personal condition is included.

The impact on the scale and character of the existing dwelling and the surrounding area

The application seeks permission for a garden room (3.5 metres in width and 7.0 metres in depth), that would include a fixed bed and shower room.

The proposed development, due to its single storey height and subservient width and depth, would be in keeping with the scale of the host dwelling. The proposed flat roof would not have an inappropriate appearance, due to its relatively small scale.

The design of the development would not detract from the character of either the existing property or the surrounding area. The proposed materials would complement those of the existing.

Therefore, the proposed development would comply with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007) and the NPPF 2021.

The impact on neighbouring amenity

The neighbouring properties most affected are No.53 Liddington New Road and No.55 Liddington New Road, located on either side of the application site.

The location and size of the building ensures that it would not conflict with the 45 degree guidance in terms of light levels at neighbouring properties and it's positioning also ensures no overbearing

appearance. Therefore, the building would not result in a detrimental loss of light.

There will be a new door on a wall facing No.55 Liddington New road, however, there are no overlooking or loss of privacy concerns resulting from the development, due to the existing vegetation and screening.

The development is therefore considered to comply with saved policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007).

Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a very limited degree. It is also noted that the application was submitted before the expiry of the original three year permission this supports the view that the applicant has not sought to breach planning regulations.

Sustainability

The submitted information does not include a sustainability questionnaire; however, as the application is for the retention of an approved development which was constructed prior to the adoption of the current sustainability requirements under the previous planning permission. It would therefore not be reasonable to , it is not a requirement in this instance.

Conclusion

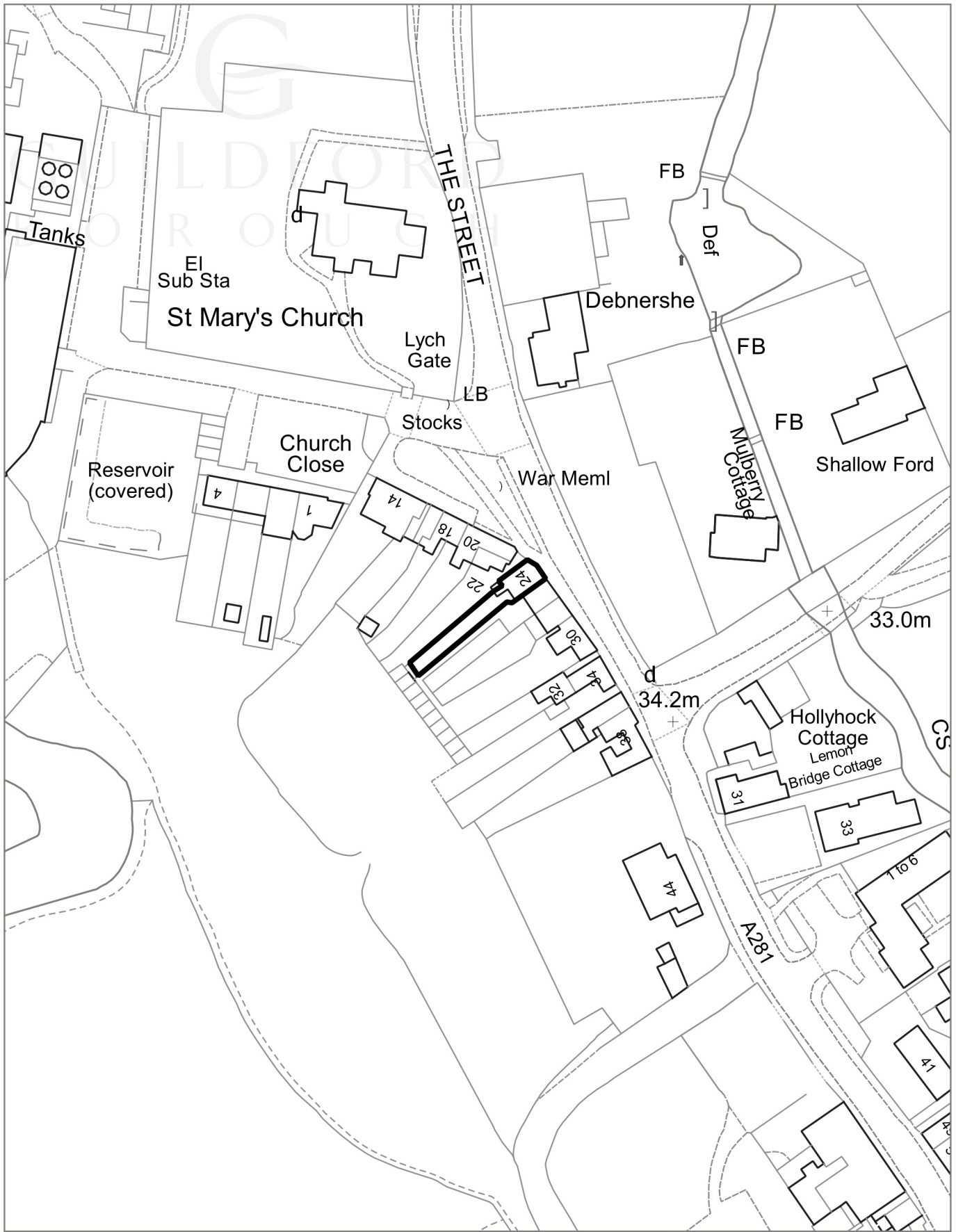
The proposed garden room would result in the creation of a new building within the Green Belt, which represents inappropriate development within the Green Belt, by definition. As set out in the NPPF 2022, the Local Planning Authority should give substantial weight to any harm to the Green Belt.

Material considerations have been put forward setting out how the proposed cabin benefits the health of a family member. For the reasons set out above these matters are considered to outweigh the harm to the Green Belt.

For these reasons the application is considered to be acceptable and recommended for approval on the basis of a permanent permission subject to a personal condition.

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22/P/00110 - 24 The Street, Shalford, Guildford



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Print Date: 27/05/2022

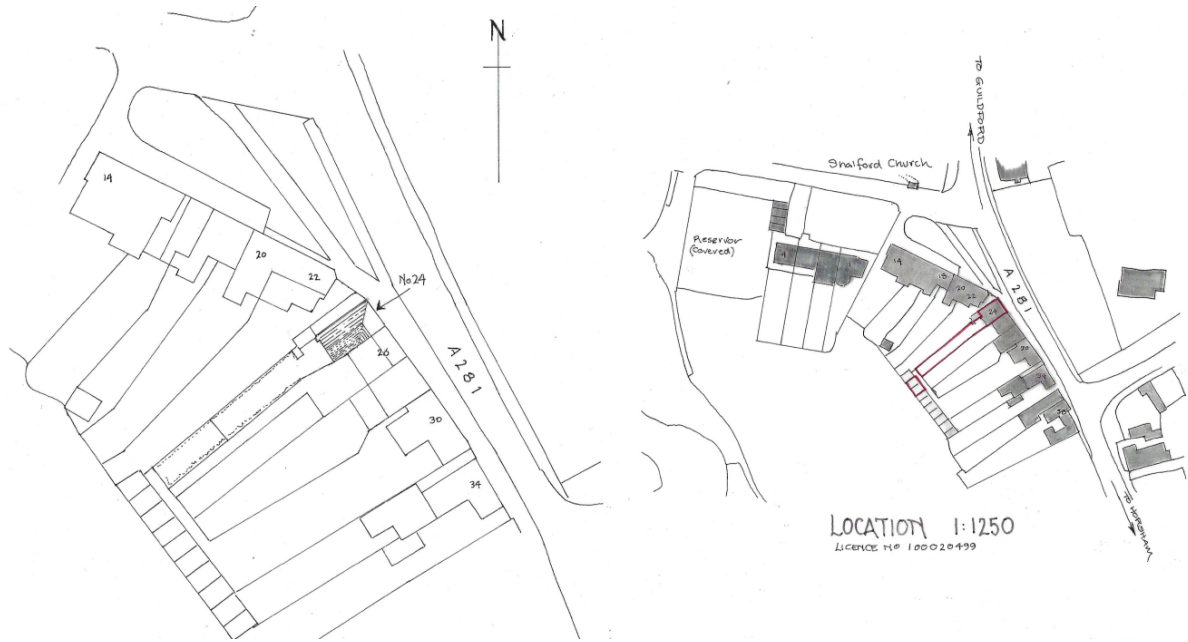


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GUILDFORD
BOROUGH

22/P/00110 – 24 The Street, Shalford, GU4 8BT



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App No: 22/P/00110
Appn Type: Full Application
Case Officer: Benjamin Marshall
Parish: Shalford
Agent :

8 Wk Deadline: 14/04/2022

Ward: Shalford
Applicant: Mr. Simon Goldsworthy
24 The Street
Shalford
Guildford
GU4 8BT

Location: 24 The Street, Shalford, Guildford, GU4 8BT
Proposal: Proposed loft conversion to habitable accommodation, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the applicant is a member of staff within Guildford Borough Council.

Key information

The proposed development comprises a loft conversion to habitable accommodation, addition of upper floor window to the rear gable, a single storey rear extension and associated repairs and internal alterations.

Summary of considerations and constraints

The proposal would have an acceptable scale and design and as such, would respect the scale and character of the existing property and the character of the surrounding area.

The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

The application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified.

Owing to the above, the application is recommended for approval subject to conditions.

RECOMMENDATION:

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

1. The works 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 works hereby permitted shall be carried out in accordance with the following approved plans: 2102 01, 2102 04, 2102 03 received on 21/01/2022, 2102 03, 2102 04A, 2102 06A, 2102 10B, 2102 11B and 2102 12A received on 25/05/2022

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

3. No work to the proposed extension and garden excavation shall take place until details and samples of the proposed external facing, including colour & finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples

Reason: To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

Pre-application advice was not sought prior to submission and 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

Officer's Report

Site description.

The site is a grade II listed dwelling on The Street in the north western side of Shalford. The site is

within the Shalford village area and therefore is inset from the Green Belt and outside of the AGLV. The site is within the Shalford Conservation Area.

Proposal.

Proposed loft conversion to habitable accommodation, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
21/P/00111	Listed Building Consent for proposed loft conversion to habitable accommodation with new stairs, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.	Pending	
21/P/00819	Listed building consent for a new external side door, re-lay lean to roof adding three rooflights, add 3 obscured glazed lean to windows, restore leaded light windows and internal works.	Approve 17/06/2021	N/A

Consultations.

Parish Council

Shalford Parish Council - Objection, the scale of the proposal is large in the context of the surrounding properties and the length of the kitchen would impact on the light received to the southern neighbour.

Third party comments:

None received

Planning policies.

National Planning Policy Framework (NPPF) 2021:

- 1. Introduction
- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

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

The Guildford borough Local Plan: strategy and sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

D1	Place shaping
D2	Climate Change, Sustainable design, construction and energy
D3	Historic Environment

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

G1(3)	General Standards of Development
G5	Design Code
HE4	New Development which affects the setting of a Listed Building
HE7	New Development in Conservation Areas
HE10	Development which affects the setting of a Conservation Area

Supplementary planning documents:

Residential Extensions and Alterations SPD 2018
Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2020

Planning considerations.

The main planning considerations in this case are:

- the impact on the scale and character of the existing dwelling and surrounding area
- the impact on neighbouring amenity
- the impact on the character of the conservation area and listed building

Impact on scale and character of the existing dwelling and surrounding area

The site forms the end property of a set of terraced dwellings, the rear garden spaces of the terraced dwellings in the locality slope upwards substantially away from the dwellings. The proposal comprises the construction of a single-storey rear extension, the insertion of 1no. window and repair of the existing gable end and internal alterations.

The single-storey extension would extend from the west elevation of the dwelling and measure approximately 4.2 metres in depth, infilling the rear amenity space up to the adjacent privy belonging to no. 22 The Street, and 3.3 metres in height sloping down to 2.3 metres to the eaves with a insert around the existing first floor window. It would include two mono-pitched roof slopes in keeping with the pitched roof form of the existing dwellinghouse and would extend the full width of the site. Owing to the scale and nature of the single-storey extension it would be seen as a subservient feature to the main dwellinghouse and would not be of a scale which would be out of keeping with the existing dwelling.

There are several sizeable extensions present on the terraced dwellings within The Street and in comparison the extension would not be an excessive addition to the property, nor when viewed within the surrounding area. It is also noted that the extension would infill an area of the rear

amenity space and as such would not be visible from the street scene and therefore, would not be considered out of keeping with the scale of the surrounding developments.

The extension would be constructed of materials respectful of the historic character of the dwelling, as such the design of the extension would not detract from the character of either the existing property or the surrounding area.

There are no concerns raised from the proposed gable window and internal alterations.

As such, the development would comply with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007), and the NPPF 2021.

Impact on neighbour amenity

The extension would be to the west of the dwelling and as such any neighbouring impact would be limited to no. 26 The Street. The case officer notes that the development would likely be visible from some of the rear amenity spaces of other neighbouring properties, however this is the limit of the extension's impact on the amenity of the other neighbouring properties.

The proposed extension would fail the 45 degree test when measured from the nearest rear window of the neighbouring property, as identified within the Residential Extensions and Alterations SPD 2018. The officer notes that the original dwelling projects beyond the rear of no. 26 The Street in the form of a two-storey element which fails the 45 degree test, owing to this any rear extension to the dwelling would fail the 45 degree test. The extension would be subservient to the two-storey element and would only be minimally visible over the existing boundary fence and therefore the case officer considers that the proposed extension would not result in an increased loss of light to this neighbour. As previously identified there would be limited visibility of the extension from no. 26 The Street and as such the proposal would not be seen as an overbearing feature.

The proposal would include the insertion of 1no. window in the gable end facing the rear garden space, the views from this window would not be so dissimilar to that from the existing first floor window and as such it is not considered that the development would result in overlooking above that of the existing rear windows.

There are no overlooking concerns resulting from the development.

It is not considered that the internal alterations would result in a material impact on neighbouring amenity.

Therefore, the development would comply with saved policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007).

The impact on the character of the conservation area and listed building

Statutory provisions:

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 199-205 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

No 24 The Street is an end of terrace cottage situated on the west side of the A281. The two-storey grade II listed property dates back to the 17th Century and is primarily of timber frame construction with a masonry fronted façade covered by whitewashed pebbledash, and a steeply hipped slate roof crowns the top. A single storey pentice roof extension, of some age, extends along the original side elevation, whilst to the rear of the property is another extended section, this time of two storeys. Evidence suggests that this cross-wing addition was added not long after the cottage was originally constructed.

The cottage is an asset of special interest as reflected by its Grade II listing status. Contributing to its significance are the following

- Its aesthetic grouping as part of a terrace of 17th Century cottages, but also as part of a wider collection of historic buildings within the village of Shalford, including the parish church of St Mary's
- Its connection with the Austen Estate as a former estate cottage – Austen Estate, whose seat was Shalford House, now demolished, owned lands and properties at Artington, Bramley, Hascombe and Dunsfold
- Is illustrative of well-preserved 17th Century domestic vernacular architecture within the locality, including the survival of its timber frame
- Use of vernacular material and traditional building techniques in its construction

Effect of Proposals on Significance

The application seeks consent for the following works

- Single storey rear extension of clay brick and glazed construction
- Repairs to the rear gable end and the inclusion of a small single casement window

- The provision of a paddle staircase between 1st floor level and attic

The principal consideration for Conservation is whether the proposed works would individually and/or collectively prejudice the special architectural or historic interest of the host building, which is a statutory grade II listed heritage asset. The Conservation Officer has considered the proposal and the following passages summarises the officer's comments:

The proposed single storey would be of simple design and would join the rear gable in a sensitive manner to avoid conflicting the first-floor window. Whilst there would be excavation to facilitate the development this would be undertaken with sensitivity and care. The Conservation Officer identifies that following a site visit they are '*satisfied that it is highly unlikely that a historic timber structure is hidden behind the external brick work*' and as such raises no objection to the removal of the lower section of the existing rear wall. The site visit also identified a '*significant degree of intervention*' needed in regards to the structural condition of the rear elevation. The Conservation Officer identifies harm as a result of the loss of ground floor openings which would compromise the legibility of the rear elevation. This harm is considered to be outweighed by the public benefits of the wider repairs and the removal of all cementitious mortar on this gable elevation, as a means of safeguarding this heritage asset. A structural lintel would be required to facilitate an opening at ground floor level, as such, a condition is being attached requiring the submission of specificities of the lintel and an installation methodology in order to ensure the works would respect the sensitivities of the Listed Building and its fabric.

It is accepted that the repair works in this case are urgently needed, which presents the opportunity to provide a small casement window within the gable apex. The supporting documentation confirm that the window would be inserted between the existing timber structure, whilst a few historic battens will be lost as a result it would not be considered to harm the property's architectural and historic significance. The window would fit within the fenestration and made of timber and as such would not appear out of character. A condition has been added requiring the submission of joinery details to be submitted to the LPA to ensure the joinery would be appropriate to the fabric of the listed building.

The development would also seek to improve access to the loft by replacing the existing hatch with a paddle staircase. The supporting drawings indicates that the attic space is to continually be used primarily for storage and that no intervention (removal/cutting) will occur to the roof's timber frame or oak trusses. There is a desire to insulate between the rafters using a breathable membrane such as woodwool, as well as covering and making good the loft hatch, these works are considered acceptable. Whilst there would be intervention to the historic ceiling to create the opening for the paddle steps, the Conservation Officer considers the intervention to be limited and not to harm the significance. The officer states: '*There is appreciation that it's positioning and specification has been chosen with due regards to ensuring that there is minimal harm to the listed property, but also whilst allowing for reasonable headroom/clearing space within the attic. The confirmation that none of the timber roof frame is to be interfered with is of great comfort as is the means of insulation.*'

Conclusion

The only harm identified by the Conservation officer was a compromisation of the legibility of the rear elevation through the loss of ground floor openings which would compromise the legibility of the rear elevation.

However, officers note that the scheme also creates a by the public benefit as a result of the wider repairs and the removal of all cementitious mortar on this gable elevation, which would safeguard this heritage asset. Given the longer term effects of this considerable weight is afforded this benefit.

As such the application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting and is at the lower end of less than substantial. In line with para 202 of the NPPF it is necessary to weigh this against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

- The harm to the significance of the designated heritage asset is outweighed by the public benefit identified and therefore permission should be granted. Due regard has been given to the provisions of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Sustainability

The applicants provided completed climate change questionnaire with the application, policy D2 requires applications for development, including refurbishment, conversion and extensions to existing buildings to include information setting out how sustainable design and construction practice will be incorporated, including the level of information to be provided. The degree of information required within this statement is expected to be proportionate to the scope of the development. This application comprises a single-storey extension, addition of a window, repair and internal alterations to an existing dwelling, as such the expected amount of sustainable construction will be minor.

The application has highlighted the following points:

- Recycled and reclaimed materials where possible
- All excavation and demolition materials will be recycled where possible
- Sheep's wool insulation, sustainably sourced timber and lime plaster to be used
- Difficult to achieve energy efficiency in line with modern building due to the age of the dwelling
- Notes difficulty to achieve water efficiency owing to minor nature of development
- Large garden space will be retained after the development

The applicant in both the design of the plans and climate change questionnaire have shown considerations to producing sustainable design and construction. As such the officer is satisfied that the proposal would comply with policy D2 of the LPSS 2015-2034.

Conclusion

The proposed development comprises a loft conversion to habitable accommodation, addition of upper floor window to the rear gable, a single storey rear extension and associated repairs and internal alterations.

The proposal would have an acceptable scale and design and as such, would respect the scale and character of the existing property and the character of the surrounding area.

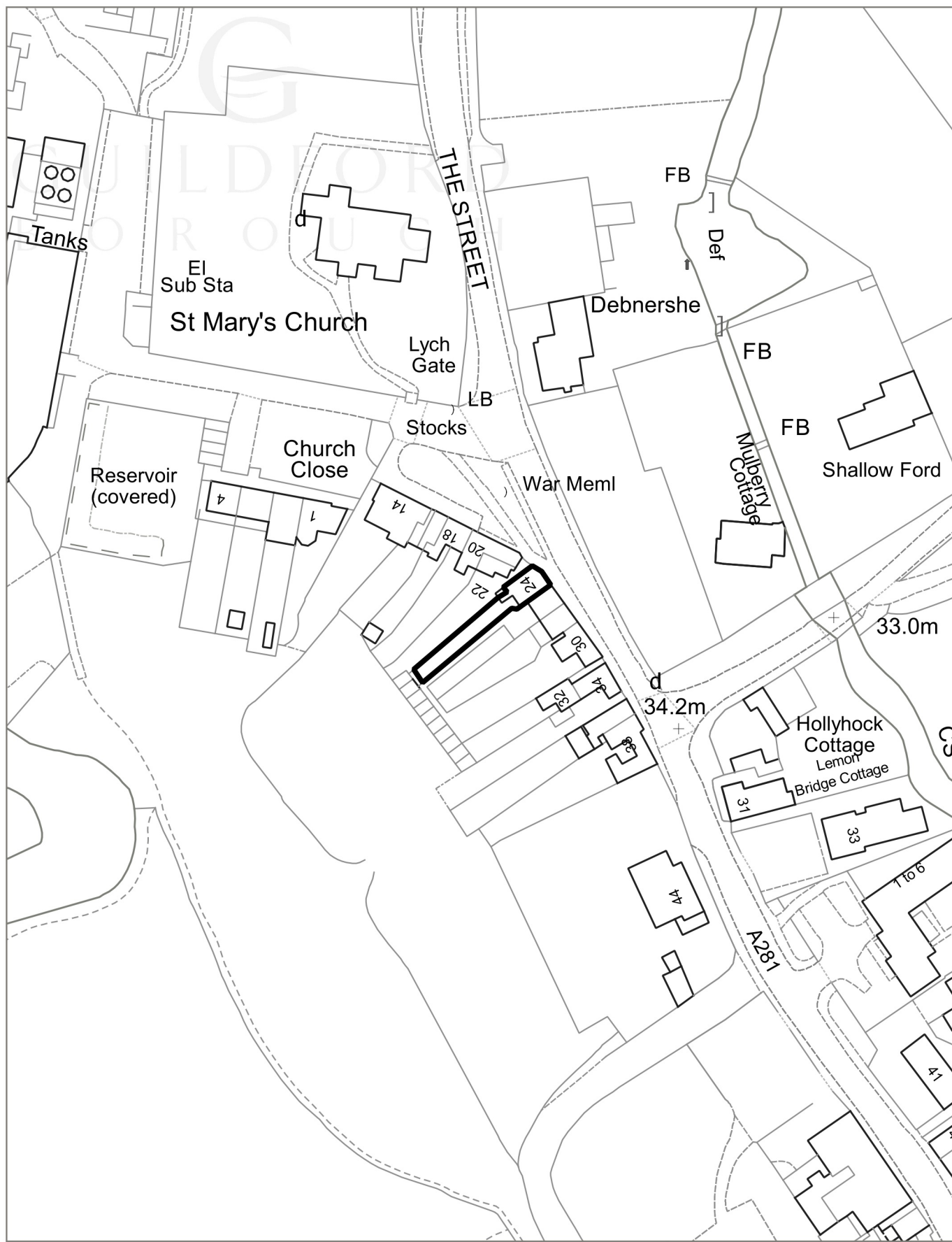
The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

The application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified.

Owing to the above, the application is recommended for approval subject to conditions.

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22/P/00111 - 24 The Street, Shalford, Guildford



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This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 27/05/2022

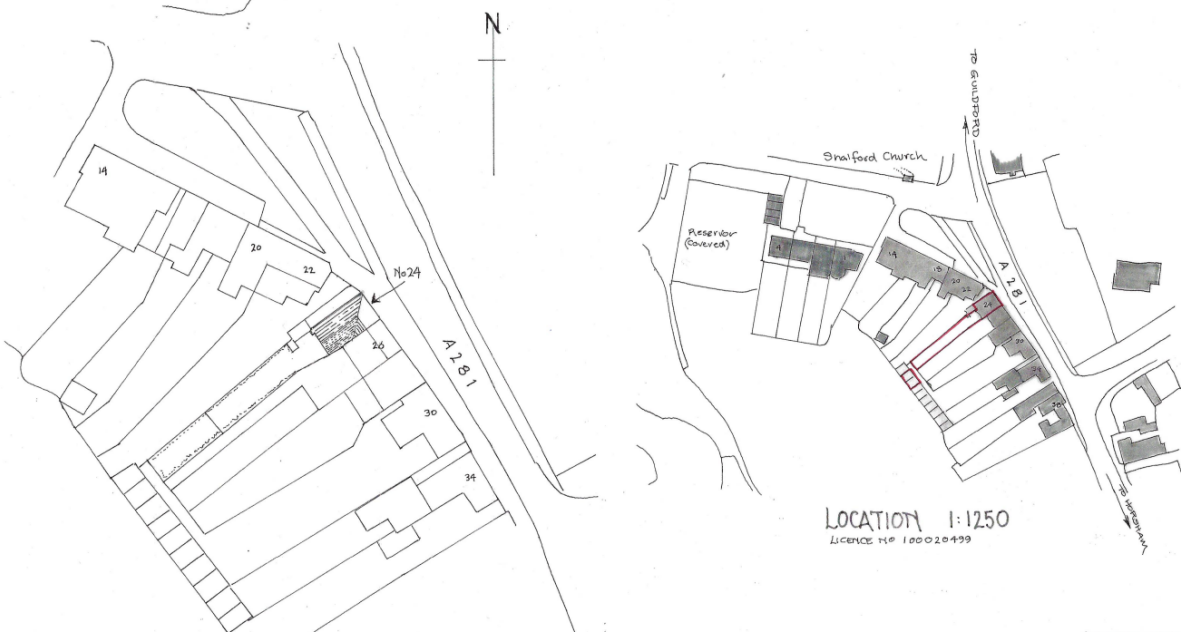


Page 81 Not to Scale



GUILD FORD
BOROUGH

22/P/00111 – 24 The Street, Shalford, GU4 8BT



Not to scale

App No: 22/P/00111
Appn Type: Listed Building Consent
Case Officer: Benjamin Marshall
Parish: Shalford
Agent :

8 Wk Deadline: 14/04/2022

Ward: Shalford
Applicant: Mr. Simon Goldsworthy
24 The Street
Shalford
Guildford
GU4 8BT

Location: 24 The Street, Shalford, Guildford, GU4 8BT
Proposal: Listed Building Consent for proposed loft conversion to habitable accommodation with new stairs, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because the applicant is a member of staff within Guildford Borough Council.

Key information

The proposed development comprises a loft conversion to habitable accommodation, addition of upper floor window to the rear gable, a single storey rear extension and associated repairs and internal alterations.

Summary of considerations and constraints

The application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified.

Owing to the above, the application is recommended for approval subject to conditions.

RECOMMENDATION:

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

1. The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 196D of the Town and Country Planning Act 1990 and Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans: 2102 01, 2102 04, 2102 03 received on

21/01/2022, 2102 03, 2102 04A, 2102 06A, 2102 10B, 2102 11B and 2102 12A received on 25/05/2022

- Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
3. No work to the proposed extension and garden excavation shall take place until details and samples of the proposed external facing, including colour & finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples

- Reason: To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area
4. No work to the proposed extension and garden excavation shall begin until details to secure the safety and stability of the rear gable end are submitted to and approved in writing by the Local Planning Authority. These details should cover the methodology, specification and areas of temporary shoring and/or propping required.

- Reason - To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area
5. Before installation details (including specification and methodology of installation) relating to the insertion of the rear gable reinforced structural lintel are to be submitted to and approved in writing by the Local Planning Authority

- Reason - To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area
6. Prior to installation detailed drawing and/or samples of window and door joinery detail shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, depth of reveal, method of opening, details of heads, cills and lintels, at a scale not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. Finish & colour shall also be indicated. The works shall be carried out in accordance with the approved details.

- Reason - To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area
7. Prior to installation details shall be submitted to the Local Planning Authority of the type and means of fixing of proposed rainwater goods.

Reason - To safeguard the special architectural and historic interest of the listed building and the interest of the character and appearance of the conservation area

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

Officer's Report

Site description.

The site is a grade II listed dwelling on The Street in the north western side of Shalford. The site is within the Shalford village area and therefore is inset from the Green Belt and outside of the AGLV. The site is within the Shalford Conservation Area.

Proposal.

Listed Building Consent for proposed loft conversion to habitable accommodation with new stairs, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
22/P/00110	Proposed loft conversion to habitable accommodation, addition of upper floor window to the rear, insertion of roof lights in side element and single storey rear extension.	Pending	
21/P/00819	Listed building consent for a new external side door, re-lay lean to roof adding three rooflights, add 3 obscured glazed lean to windows, restore leaded light windows and internal works.	Approve 17/06/2021	N/A

Consultations.

N/A

Third party comments:

None received

Planning policies.

National Planning Policy Framework (NPPF) 2021:

Chapter 4. Decision-making

Chapter 16. Conserving and enhancing the historic environment

Guildford Borough Local Plan: Strategy and Sites 2019 (LPSS)

D3 Historic environment

Planning considerations.

The main planning considerations in this case are:

- the impact on the character of the conservation area / listed building(s)

The impact on the character of the conservation area and listed building

Statutory provisions:

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The NPPF sets out that the local planning authority should identify and assess the particular significance of any heritage asset... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 199-205 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

No 24 The Street is an end of terrace cottage situated on the west side of the A281. The two-storey grade II listed property dates back to the 17th Century and is primarily of timber frame construction with a masonry fronted façade covered by whitewashed pebbledash, and a steeply hipped slate roof crowns the top. A single storey pentice roof extension, of some age, extends along the original side elevation, whilst to the rear of the property is another extended section, this time of two storeys. Evidence suggests that this cross-wing addition was added not long after the cottage was originally constructed.

The cottage is an asset of special interest as reflected by its Grade II listing status. Contributing to its significance are the following

- Its aesthetic grouping as part of a terrace of 17th Century cottages, but also as part of a wider

collection of historic buildings within the village of Shalford, including the parish church of St Mary's

- Its connection with the Austen Estate as a former estate cottage – Austen Estate, whose seat was Shalford House, now demolished, owned lands and properties at Artington, Bramley, Hascombe and Dunsfold
- Is illustrative of well-preserved 17th Century domestic vernacular architecture within the locality, including the survival of its timber frame
- Use of vernacular material and traditional building techniques in its construction

Effect of Proposals on Significance

The application seeks consent for the following works

- Single storey rear extension of clay brick and glazed construction
- Repairs to the rear gable end and the inclusion of a small single casement window
- The provision of a paddle staircase between 1st floor level and attic

The principal consideration for Conservation is whether the proposed works would individually and/or collectively prejudice the special architectural or historic interest of the host building, which is a statutory grade II listed heritage asset. The Conservation Officer has considered the proposal and the following passages summarises the officer's comments:

The proposed single storey would be of simple design and would join the rear gable in a sensitive manner to avoid conflicting the first-floor window. Whilst there would be excavation to facilitate the works this would be undertaken with sensitivity and care. The Conservation Officer identifies that following a site visit they are *'satisfied that it is highly unlikely that a historic timber structure is hidden behind the external brick work'* and as such raises no objection to the removal of the lower section of the existing rear wall. The site visit also identified a *'significant degree of intervention'* needed in regards to the structural condition of the rear elevation. The Conservation Officer identifies harm as a result of the loss of ground floor openings which would compromise the legibility of the rear elevation. This harm is considered to be outweighed by the public benefits of the wider repairs and the removal of all cementitious mortar on this gable elevation, as a means of safeguarding this heritage asset. A structural lintel would be required to facilitate an opening at ground floor level, as such, a condition is being attached requiring the submission of specificities of the lintel and an installation methodology in order to ensure the works would respect the sensitivities of the Listed Building and its fabric.

It is accepted that the repair works in this case are urgently needed, which presents the opportunity to provide a small casement window within the gable apex. The supporting documentation confirm that the window would be inserted between the existing timber structure, whilst a few historic battens will be lost as a result it would not be considered to harm the property's architectural and historic significance. The window would fit within the fenestration and made of timber and as such would not appear out of character. A condition has been added requiring the submission of joinery details to be submitted to the LPA to ensure the joinery would be appropriate to the fabric of the listed building.

The works would also seek to improve access to the loft by replacing the existing hatch with a paddle staircase. The supporting drawings indicates that the attic space is to continuingly be used primarily for storage and that no intervention (removal/cutting) will occur to the roof's timber frame

or oak trusses. There is a desire to insulate between the rafters using a breathable membrane such as woodwool, as well as covering and making good the loft hatch, these works are considered acceptable. Whilst there would be intervention to the historic ceiling to create the opening for the paddle steps, the Conservation Officer considers the intervention to be limited and not to harm the significance. The officer states: *'There is appreciation that it's positioning and specification has been chosen with due regards to ensuring that there is minimal harm to the listed property, but also whilst allowing for reasonable headroom/clearing space within the attic. The confirmation that none of the timber roof frame is to be interfered with is of great comfort as is the means of insulation.'*

Conclusion

The only harm identified by the Conservation officer was a compromise of the legibility of the rear elevation through the loss of ground floor openings which would compromise the legibility of the rear elevation.

However, officers note that the scheme also creates a by the public benefit as a result of the wider repairs and the removal of all cementitious mortar on this gable elevation, which would safeguard this heritage asset. Given the longer term effects of this considerable weight is afforded this benefit.

As such the application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting and is at the lower end of less than substantial. In line with para 202 of the NPPF it is necessary to weigh this against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

- The harm to the significance of the designated heritage asset is outweighed by the public benefit identified and therefore permission should be granted. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

The proposed works comprises a loft conversion to habitable accommodation, addition of upper floor window to the rear gable, a single storey rear extension and associated repairs and internal alterations.

The application will result in less than substantial harm to the significance of the designated heritage asset and/or its setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified.

Owing to the above, the application is recommended for approval subject to conditions.

Planning Committee

15 June 2022

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF)

March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher (sophie.butcher@guildford.gov.uk)

1. Mr Karl Kavanagh

Land at Goal Farm, Gole Road, Pirbright, GU24 0PZ

EN/20/00314 – Breach of planning control

Decision – Dismissed

Summary of Inspector's Conclusions:

The appeal on ground B

- Having regard to the paucity of the area of grass on the appeal site, the size of Building 1, the facilities within both Buildings 1 and 2 and the not disputed potential for the breeding of horses on the site, I am not persuaded that the use of the appeal site is solely or primarily for the grazing of horses. I am therefore not persuaded that the land is in agricultural use. In that respect, the appellant has failed to discharge the burden of evidence that falls upon him under this ground of appeal. Against that, the evidence produced by the Council and in third party representations, together with my own observations at the site visit, tend to indicate that the site is being used for equestrian purposes, as alleged in the notice.
- I conclude that, on the balance of probability, the matters stated in the notice have occurred. Accordingly, the appeal on ground (b) fails.

The appeal on ground A

- I therefore conclude that, with exception of the drainage, the breach of planning control alleged in the enforcement notice is inappropriate development in the Green Belt in the context of Paragraphs 149 and 150 of the Framework. Paragraph 147 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- I conclude that the breach of planning control unacceptably harms the character and appearance of the area. I therefore conclude that the development which has taken place is contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, as well as those elements of saved Policy G5 of the Guildford Borough Local Plan that have not been superseded by the new Local Plan. These policies require,

amongst other things, that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.

- I recognise that the drainage is not visible above ground, and has no impact on the character and appearance of the area. Nevertheless, the installation of the drainage has facilitated a use of the land and the associated operational development that is significantly harmful to the openness of the Green Belt and to character and appearance of the area. The drainage is an integral part of the operation to erect Building 1 and the notice requires the removal of the building that the drainage serves. In the absence of any lawful use to which the building could be put, it makes no sense to grant planning permission for the drainage in isolation. Consequently, there is no sound planning reason to grant planning permission for the drainage and, in my view, that outweighs the neutral effect on the openness of the Green Belt and character and appearance of the area.
- For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

2. Mr Karl Kavanagh

Land adjacent to the Willows, Gole Road, Pirbright, Woking, GU24 0QF

21/P/01060 – The development for which a certificate of lawful use or development is sought is the erection of 2m high brick piers, 1.8m high timber entrance gates and 2m high wall.

Decision – Dismissed

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- Section 192(2) of the 1990 Act indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application. My decision is therefore based on the facts of the case and judicial authority. The main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded. In this respect, the burden of proof is on the appellant to show that, on the balance of probability, the development proposed would have been lawful on the date on which the application was made.
- In this case, the proposed wall, brick piers and entrance gates would be set back behind a grass verge for distances varying between 3.7 metres and 8.7 metres. To the west of the proposed entrance gates, an existing chain link extends along the full length of the boundary of the land fronting Gore Road that is within the appellant's ownership¹. Although not shown on the application drawings, my understanding of the appellant's evidence is that this chain link fence would be retained. That fence would therefore form an intervening feature between that part the proposed wall and the highway. However, at the time of my site visit, to the east of the entrance gates the chain link fence (if it ever existed in that position) had been replaced by a timber hoarding and metal entrance gates, the latter set back from the highway.

- Along that part of the site frontage where the existing chain link fence would be retained, the alignment of the proposed wall parallel to Gore Road, together with its height, design and appearance, would dominate the chain link fence in front. The latter would therefore be viewed as being subservient to the wall behind. Furthermore, the proposed wall would be clearly intended to define that part the boundary, and would clearly be perceived as doing so. Overarching both of these considerations is that, with a distance from the highway of some 3.7 metres, the wall would in my opinion still be 'near' to highway, albeit not directly next to it. For those reasons, I consider that as a matter of fact and degree the proposed wall to the west of the entrance gates would be adjacent to the highway, notwithstanding the presence of the chain link fence in front.
- To the east of the proposed entrance gates, there would be no intervening feature between the proposed wall and the highway. Similarly, although set back by a greater distance, there would be no intervening feature between the proposed entrance gates and the highway. The wall and entrance gates would be clearly intended to define that part the boundary, and would be perceived as doing so. For that reason, I consider that as a matter of fact and degree this section of the proposed wall, as well as the proposed entrance gates, would be adjacent to the highway.
- I have found that the proposed wall, brick piers and entrance gates would be adjacent to a highway. All would exceed 1 metre in height and, therefore, would not constitute permitted development under Class A, Part 2, Schedule 2, Article 3 of the GPDO.
- For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of 2m high brick piers, 1.8m high timber entrance gates and 2m high wall at land adjacent to The Willows, Gole Road, Pirbright, Woking GU24 0QF was well-founded and that the appeal should not succeed. I will exercise the powers transferred to me in section 195(2) of the 1990 Act as amended.

3. Bewley Homes Plc

Land at Ash Manor, Ash Green Road, Ash, Guildford, GU12 6HH

20/P/01461 – The development proposed is the erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, onsite open space, landscape and ecology management and servicing.

Decision – Dismissed

Planning Committee – 8 September 2021

Officer Recommendation – To Approve

Decision – To Refuse

Summary of Inspector's Conclusions:

- The development plan includes the saved policies in the *Guildford Borough Local Plan* (the Local Plan) adopted in 2003 and *the Guildford Borough Local Plan: Strategy and Sites (2015-2034)* (the LPSS) adopted in 2019. There is also the single saved policy NRM6 in the South East Plan relating to the Thames Basin Heaths Special Protection Area. There is no dispute that the development plan for the purposes of this appeal is up to date.
- Policy S2 in the LPSS establishes a minimum requirement for 10,678 new homes during the plan period of 2015-2034. The Borough is heavily constrained by the

Green Belt, Area of Outstanding Natural Beauty and nature conservation sites including the Thames Basin Heaths Special Protection Area. This explains the importance of the unconstrained areas for housing delivery, including the area around Ash and Tongham. Within this vicinity, the strategic allocation under policy A31 of the LPSS proposes approximately 1,750 homes. It comprises a number of disconnected land parcels and the appeal site is within the largest, northern, section of the allocation.

- The *Strategic Development Framework Supplementary Planning Document* (the SDF) was adopted to inform the master planning principles for each allocation with a series of illustrative diagrams as to what is envisaged. The policy A31 land has been brought forward on an incremental basis, reflecting its disparate land ownerships. At the present time about 1,341 dwellings have either been built or have received planning permission within the allocation. This means that some 409 dwellings remain to be built within the local plan period.
- As part of an allocated site, the principle of development on the appeal land is not in question. I heard no convincing evidence that this land was unsuitable for housing or should be kept as a green open space. Indeed, if that had been the intention, I would have expected that the requirements in policy A31 would have said so. The Local Plan Inspector and those drafting the relevant LPSS policies would have been aware of the presence of the heritage assets when allocating the A31 land.
- The Council has a supply of deliverable housing land to meet its requirements for the next 7 years. Housing delivery over the last 3 years has also exceeded requirements. These matters have not been challenged and this is not therefore a case where the provisions in paragraph 11d) ii), or the so-called *tilted balance* approach to decision making, applies.
- **The effect of the proposed development on the significance of heritage assets**
- There is no dispute that the relevant designated heritage assets are the listed buildings that form the Ash Manor complex immediately to the north of the appeal site. It comprises five properties, which are now in residential use. Ash Manor and the adjoining Ash Manor Cottage are the most northerly of the buildings and are Grade II*. Ash Manor Oast and The Oast House are in the centre and to the south is Oak Barn. These buildings are Grade II. To the east of Oak Barn is a large modern building that appeared to be used for storage. To the west of the complex is Ashe Grange. This large residential property is Grade II and stands in extensive grounds. However, I concur with the parties that the appeal development would have no effect on its significance.
- Although Ash Manor and Ash Manor Cottage are now separate residences, they were originally one building, possibly dating back to the 13th century. A water filled square moat survives to the north, south and west of Ash Manor and is a non-designated heritage asset. Ash Manor would have been a manorial estate surrounded by countryside and farmland. The farmstead, known as Manor Farm, included the 16th century oak-framed barn at the southern end of the complex and the 18th/ early 19th century oast, store and stables in the centre. Historic England comments that the listed buildings and moat have a strong group value, which shows integrity and coherence as a manorial site in a rural setting.
- There was debate at the inquiry about whether the access trackway, which crosses the western part of the appeal site and the pond close to the northern boundary are

non-designated heritage assets. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) anticipate that it will be for local planning authorities to take the lead in the identification of such assets using clear and consistent criteria for selection. This may be through compilation of local lists, the plan making regime or undertaking heritage reviews. The Council had not previously recognised these two features in any of these ways. However, it seems to me that an asset could still qualify if there is sound evidence given to the inquiry to establish a sufficient degree of significance. The Framework defines “*significance*” as the value of the asset because of its heritage interest. This may be archaeological, architectural, artistic or historic.

- There has been a pond on the northern side of what was once Ash Green for a long time. It can be seen in roughly its present form on the 1841 Tithe Map and late 19th century Ordnance Survey mapping entitles it Manor Farm Pond, which suggests a link to the farmstead. On the 1841 Tithe Map a road ran from Ash Village and crossed Ash Green in a southerly direction. A spur from this road served Manor Farm. Ash Green was subject to enclosure later in the 19th century and the road system changed at this time, probably in response to the construction of the railway to the south. The earlier road became the driveway to Ash Manor and joined the newly built Ash Green Road. I have no doubt that the pond and trackway have some historic value and contribute to the wider significance of the designated assets. However, I do not consider that there is sufficient evidence that they have a degree of significance that would justify classification as non-designated heritage assets in their own right.
- **Setting and Significance**
- The special interest of the Ash Manor complex derives from the architecture and history of its buildings and their setting. The immediate setting now comprises domestic curtilages and so has changed considerably. The farmstead no longer exists due to the conversion of some farm buildings and the removal of others. Nevertheless, the interrelationship between the farmstead and the moated site of Ash Manor is still evident. The main parties agreed that the significance of the heritage assets also derives from their wider setting.
- The wider setting comprises the surrounding agricultural fields, including the appeal site. Despite many changes in the Ash and Tongham area itself, I consider that the rurality of the area surrounding the Ash Manor complex can still be appreciated. It provides the visual, historical and functional context in which the assets are seen, understood and experienced. This was clearly an estate of some importance and status as demonstrated by the location of Ash Manor within the countryside and well separated from Ash, which would have been a village at this time. This would also explain the defensive position provided by the moat. Whilst the buildings in the Ash Manor complex are now occupied as separate dwellings, there remains a functional connection with the surrounding land as the 19th century stables provide shelter for the horses that currently graze in the adjoining paddocks, including the appeal site.
- There remains a strong visual connection between the adjoining land and the listed buildings, although in some places this is filtered by boundary trees and greenery. Within such views the importance of the rural setting can be appreciated, and the historical context can be understood. For the reasons given above, I do not consider

that the pond and the trackway are heritage assets in their own right. However, they are both longstanding features in the historic landscape and contribute to the significance of the heritage assets.

- There was some debate at the inquiry about whether the land around the Ash Manor complex has similar importance in terms of setting. It is the case that the two Grade II* buildings are at the northern end of the complex. However, I observed southerly views from the front windows and garden of Ash Manor. Furthermore, the entrance drive to the overall complex crosses the appeal site. It is appreciated that houses now front onto the southern side of Ash Green Road, but their presence is ameliorated by the boundary trees, especially in the summer months. Whilst much of the appeal site was at one time common land and part of Ash Green, it is not unreasonable to surmise that Ash Manor retained manorial rights. In any event, by the late 19th century the evidence indicates that the land had been enclosed and was being used as farmland. To my mind the appeal site is as important to the setting of the heritage assets as the other land surrounding them. Overall, the wider setting of the listed buildings contributes to their special interest both individually and as a group.
- **The effect of the appeal proposal on the significance of the heritage assets**
- The appeal proposes a residential estate of 67 houses on a large part of the currently open field to the south of the Ash Manor complex. The presence of the houses, gardens and roadways in place of the existing open field would be a change that would diminish this part of the setting of the heritage assets. There was no dispute that the scheme would result in less than substantial harm to the significance of the designated heritage assets.
- I acknowledge that the Appellant has made changes to the layout in order to improve the relationship with the listed buildings. It has sought to reduce harm and to some degree this has been successful. For example, there would be an amenity area around the reconfigured pond that would provide undeveloped space between the nearest houses and the southern boundary of the Ash Manor complex. Furthermore, there would be an open vista in the direct line of sight from Ash Manor and this is to be welcomed.
- I do though have particular concern about the proximity of the dwellings to the eastern side of the historic trackway to the Ash Manor complex. Although the vegetation on either side would be retained the buildings, their gardens and any domestic paraphernalia would be forefront in the easterly view. Their relative proximity would considerably diminish the sense of rurality and isolation that can still be experienced when approaching the Ash Manor complex from White Lane. This is recognised in policy A31(8), which requires that views to and from the Ash Manor complex, including their approach from White Lane, must be protected. The particular layout proposed would be insensitive to the value of the driveway in terms of significance and would fail to comply with this element of the policy.
- The pond itself would be smaller in overall size but reconfigured in shape and elongated to extend northwards into part of the field to the east of Oak Barn. It would function as a flood risk attenuation basin and the water level would be about 1.9m lower than it is at present. It is proposed to plant the margins with aquatic plants and improve the water quality to enhance its ecological value. I accept that this could be a positive attribute within the context of a residential estate, although

I am doubtful that it would resemble the rather idyllic feature that the computer-generated images envisage. However, I consider that the attenuation pond would have an engineered appearance due to its water level, configuration and profile and despite the information provided to the inquiry I also have concerns about the appearance of the inlets and outlets. It would certainly be quite different from the simple field pond that has existed in more or less the same form for centuries within the historic landscape. The effective loss of the field pond would diminish the setting of the heritage assets, particularly Oak Barn which is in closest proximity.

- Drawing together the above points, the appeal scheme would cause less than substantial harm to the significance of the heritage assets. On a continuum of low to high within the less than substantial category, I consider that the harm would be towards the upper end of mid-range.
- **Cumulative Effects**
- Any cumulative consideration cannot merely be the product of the individual effects and is a matter of judgement. The combined effect would be to erode the historic setting of open fields, particularly to the north and south and to a lesser extent to the east. The importance of this to significance has already been addressed and I have no doubt that when considered together the appreciation of the heritage assets would be further diminished. It does though seem unlikely that the developments in question would all be experienced in one view, either from within the Ash Manor complex or when approaching it along the driveway. I do not agree with the Council that the cumulative effect would be close to the tipping point of substantial harm, but I do consider that it would rise to the upper end of mid-range harm in the less than substantial category.
- **Conclusions**
- For all of the above reasons the proposed development would cause less than substantial harm to the significance of the heritage assets of the Ash Manor complex, both to the listed buildings individually and to the listed buildings as a group. In terms of the harm arising solely from the appeal scheme this would be towards the upper end of the mid-range and in terms of the cumulative harm this would be slightly higher, falling at the upper end of the mid-range.
- The appeal proposal would conflict with saved Policy HE4 in the Local Plan, which relates to development that affects the setting of a listed building. It would also conflict with policy A31(8) in the LPSS, which requires sensitive design at the site boundaries with the Ash Manor complex and protection of views to and from the heritage asset, including their approach from White Lane. Whether there would be compliance with policy D3 in the LPSS or with the Framework will depend on whether the identified harm is outweighed by the public benefits. This is a matter to which I shall return below when considering the planning balance.
- **The effect of the proposed development on the landscape and rural character of the area**
- In the *Guildford Landscape Character Assessment* (the LCA) the Tongham Urban-Rural Fringe landscape character area lies to the east of the built-up area. The LCA points out that the Tongham Urban-Rural Fringe is influenced by proximity to the urban edge and typical fringe uses such as horse paddocks. The LCA provides part of the evidence base to the LPSS. The Examining Inspector recognised that there are significant landscape constraints, including large parts of the Borough within the

Surrey Hills Area of Outstanding Natural Beauty and the Green Belt. This was taken into account in his conclusion that the development allocations are in places that avoid significant landscape harm. Indeed, the Policy Map specifically removes the A31 allocation from the countryside designation and policy P3 in the LPSS does not apply.

- The policy A31 allocation itself covers a large area and is not homogeneous in terms of landscape features. Even within the north-eastern part of the policy A31 allocation, where the appeal site is located, the land does not exhibit a uniform character. In the case of the appeal site, it seems to me that there is a rural ambience with the existing open fields and boundary trees and hedges being typical of the wider landscape. The pond and the historic farmstead comprising the Ash Manor complex also contribute to the rural feel. There are also urban influences, particularly the frontage housing on the southern side of Ash Green Road. However, it should also be borne in mind that this is an area planned to undergo substantial change. Even those developments that are currently permitted such as the Ash Road Bridge scheme and the May and Juniper Cottage residential development, will make a significant difference to the existing landscape.
- Policy A31 has 12 requirements. However, it should be noted that they refer to the whole allocation and are not applicable to every site within it. The Examining Inspector considered that it was necessary to ensure that the policy A31 development protects the setting of Ash Manor and the identity of Ash Green village. He recommended modifications accordingly. The relevant requirements relating to landscape are (6) and (7), which I consider below.
- Conclusions
- There is no dispute that the Council has a housing land supply of about 7 years. There is also no evidence that the deliverable sites in the supply will not come forward during this period. On the policy A31 land about 409 dwellings remain outstanding. Whether or not the remaining undeveloped land, which includes the appeal site, will be able to provide this number of dwellings is open to question. Heritage constraints will clearly be an issue and there are other requirements such as Biodiversity Net Gain that will need to be addressed. The Appellant also questioned the availability of SANG space although from what I was told there are private facilities in the vicinity.
- It is to be noted that policy A31 uses the word “approximate” in reference to the number of houses the allocation is expected to deliver. Common sense would suggest that this means what it says. I understand that it reflects that the number of dwellings in the allocation were derived from a capacity exercise. Whilst policy S2 establishes that the overall housing requirement is a minimum figure, the unchallenged evidence indicates that there is a considerable supply headroom across the whole trajectory.
- It is appreciated that the appeal site could be brought forward quickly and that a relatively short implementation period has been agreed. However, it is not a necessity in terms of the supply or delivery of land in the short term, which does not depend on the appeal site or indeed on any of the remaining policy A31 land. The fact that the appeal site is not within the Council’s 5 year housing land supply does not mean that it would not be beneficial if it were to be delivered expeditiously. It is Government policy to boost the supply of housing, and the proposed delivery from

the appeal site would be in accordance with this objective. Nevertheless, the Council has a very favourable land supply position throughout the plan period and the Council's evidence in this regard was undisputed. Bearing all of these points in mind, the proposed housing provision on this sustainable allocated land would be a benefit to which I attribute significant weight.

- The proposed development would also deliver the full policy level of affordable housing. The tenure split and unit size would meet identified needs in accordance with the *Strategic Housing Market Assessment*. There is no dispute that there is an acute need for such housing within the Borough and that the situation is deteriorating year on year. I consider that the 28 affordable homes would be a benefit of substantial weight and I do not agree with the Council that it would be any less important because it would be policy compliant.
- The Council is satisfied with the housing mix, which would comprise 1, 2, 3 and 4 bedroomed houses and apartments. There would also be accessible and adaptable dwellings. This would be a benefit of moderate weight.
- There are various provisions that would be necessary to meet the needs of the development. These include the financial contributions towards education, off-site open space, healthcare and policing and they would provide proportionate mitigation rather than benefits. However, there would be other provisions that would also offer some wider advantage to the established population. These would include traffic calming measures and high friction surfacing along Foreman Road; the upgrade to off-site pedestrian and cycle routes; new pedestrian and cycle connections into the site; and provision of the on-site amenity space. These would be benefits of moderate weight.
- The Appellant made much of the fact that the on-site pond, which is clearly valued by local people, would become publicly accessible. However, I do not consider this to be a benefit in its own right. The attenuation pond would bear little resemblance to what exists at present. I accept that the water quality would be improved and that there would be added value to biodiversity, which I consider below. There would also be the potential to contribute to an attractive amenity area within the context of the new housing estate, which I have considered above.
- There would be a biodiversity net gain. Whilst at the present time there is no policy stipulation, it would be well above the 10% that is likely to be introduced in due course. The gains in terms of habitat and hedgerow units have been included as a covenant in the Section 106 Agreement and would represent a benefit of significant weight. In addition, the proposal to ensure the succession of the rare fungal species oak polypore *Piptoporus quercinus* through the planting of 12 heavy standard Pedunculate oaks would provide an additional significant ecological benefit.
- Policy A31 includes the provision of new road and foot bridges to enable the closure of the level crossing adjacent to Ash railway station. The road bridge has now received planning permission and I was told that work is expected to start shortly. Funding depends on Section 106 contributions, including by the developers of the policy A31 land. The Council has committed to meeting any funding gap and so there is no reason to believe that the project will not go ahead. From the discussions at the inquiry, I am satisfied that the financial contribution from the appeal site would be proportionate and meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations. Whilst it would be necessary to

mitigate the impacts of increased traffic generated by the scheme it would also provide a wider benefit by helping to enable delivery of this important infrastructure project. It is a benefit to which I afford moderate weight.

- The development would generate employment during the construction period. Furthermore, there would be a reliance on associated goods and services that would help support local businesses and tradespeople. The new population would generate additional income that would increase spending in the local economy to support local shops and services. These are economic advantages of moderate weight.
- Reference has been made to various generic payments. The New Homes Bonus is intended to incentivise housing growth but as far as I am aware this would not be ring fenced by the Council for projects that might benefit the local area. Council Tax may generate significant revenue, but it is necessary to deliver local services and infrastructure to support the new development. These are neutral factors in the planning balance.
- **The Development Plan**
- The appeal proposal would be contrary to policy HE4 in the Guildford Local Plan and policies D3 and A31 in the LPSS. I acknowledge that there would be compliance with many of the other policies in the development plan. In numerical terms there are relatively few that would be offended. However, the correct approach is not a matter of arithmetic. Some policies will be of more importance than others in the planning balance. In this case I consider that the heritage policy D3 in the LPSS and the policy specific to this allocated land, policy A31, are of utmost importance. In the circumstances, I do not consider that the proposed development would comply with the development plan as a whole.
- Saved policy HE4 in the Guildford Local Plan does not fully accord with the Framework because it does not contain the balancing exercise relating to public benefits. I therefore give less weight to the conflict with that policy. However, this is somewhat academic because there is no dispute that policy D3 in the LPSS is not out-of-date. Overall, the development plan is up-to-date and, for the reasons I have given, there are no material considerations that would indicate a decision being made other than in accordance with it. The presumption in favour of sustainable development would not be engaged and as this is reflected in policy S1 in the LPSS, I cannot agree with the Council that the proposal would be in accordance with it.
- I have considered all other matters raised in the representations and at the inquiry. However, I have found nothing that changes my conclusion that the appeal should not succeed.

4. Mr and Mrs S Kennedy

Lea Cottage, Hook Lane, Shere, GU5 9QQ

20/P/02196 – The development is the extension of existing house following demolition of existing extensions and outbuildings at Lea Cottage.

Decision – Dismissed

Delegated Decision – To Refuse

Summary of Inspector’s Conclusions:

- The appeal property comprises a vacant detached two-storey dwelling connected to a two-storey annex by a single-storey link extension. It is located on the southern side of

Hooks Lane within a small grouping of dispersed residential dwellings and farm buildings in the Green Belt. The property is L-shaped and features a pitched roof and two distinctive chimneys. The attached annexe also has a pitched roof which stands at a lower height than the roof ridge of the main house. On my site visit I observed a number of sheds and outbuildings scattered within the north-eastern corner of the site and along the eastern boundary abutting the neighbouring Burrows Lea Farm.

- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. Exception (c) addresses the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the “original building” shall mean the building as it existed on 1 July 1948, which is consistent with the definition set out within Annex 2 of the NPPF. Another exception outlined in paragraph 149(g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- The appellant contends that the development meets exception (g) rather than exception (c) of paragraph 149 because the proposal includes the removal of the redundant ancillary buildings scattered around the plot. The appellant argues this would reduce the amount of built form within the site and improve the openness of the Green Belt. To support this, the appellant has provided figures demonstrating that the proposal would result in a total decrease of floor area within the site of 18.84% as well as an 8.56% decrease in total volume.
- I acknowledge that a considerable number of outbuildings would be demolished as part of the proposal. However, in considering the exceptions set out at paragraph 149 of the NPPF, the proposed works of construction quite evidently relate solely to extensions to the main house, with the central aim of the proposal to redevelop and extend the host dwelling. I find that in applying the literal meaning of the description of development relating to the new development, exception (c) outlined in paragraph 149 of the NPPF can be the only reasonable applicable exception of relevance to the scheme as it explicitly refers to the alteration and extension of a dwelling. As the proposed car port would be located in close proximity and would be clearly incidental to the main dwelling, it would also be reasonably considered as an extension for the purposes of this assessment.
- The Council states that the proposed extensions and alterations, combined with previous extensions, would represent a 352% increase in floorspace over the original building. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does provide some guidance on measuring ‘proportionality’. The NPPF refers to ‘size’ which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
- The proposed uplift in floorspace would be significant with the resultant gross external area (GEA) increasing dramatically from an existing 250 sqm to 375sqm as proposed, but from an original floorspace indicated by the Council to be 83 sqm, albeit that I note this figure was revised to 119 sqm in the assessment of the recently approved 2021

scheme. An increase in floorspace of this scale would not be considered to be proportionate in the context of the size of the original dwelling, and furthermore, the ridge height of the eastern half of the roof would be raised and the increase in built form at first floor level of the dwelling would result in greater visual bulk. Although the appellant considers that the total floorspace and volume of built form would decrease within the site, the considerable expansion of roofscape would be excessive and the resultant building would appear significantly larger in volume. Therefore, I find that the scale of the alterations and extensions would subsume the original dwelling and would therefore appear to be disproportionate.

- On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.
- Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional bulk, height and mass as a result of the extensions would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the significant increase in floorspace and the volume of roofscape means the proposal would also have a greater visual impact on the openness of the Green Belt. Although this impact must be balanced against the indicated removal of sheds and outbuildings within the site, the resultant bulky and substantial dwelling would be readily visible from Hook Lane as well from the open countryside to the southwest. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt.
- I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight must be given cumulatively to this harm. The weight attributed to the other considerations in this case is limited and does not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

5. Mr Christopher Weeks

Foxhill Cottage, Hunts Hill Road, Normandy, GU3 2AH

21/P/00575 – The development proposed is the conversion of garage to habitable accommodation, 2 two storey side and rear extensions to include a raised ridge height with three dormers and single storey side extension to main house.

Decision – Allowed

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- The appeal property comprises a detached two-storey chalet-style dwelling located on the south-western side of Hunts Hill Road within a small grouping of dispersed residential dwellings in the Green Belt to the north of the settlement of Normandy. The property is set back from the road and features a pitched roof with a central gabled element having low eaves, a shallow pitch and finished with timber boarding. A two-storey double garage lies in close proximity to the main dwelling and also features timber cladding and a pitched roof. There is thick and mature

vegetation along the plot's boundaries providing effective screening. On my site visit I also observed that land levels rise sharply along the northern boundary of the site. As such, the neighbouring property to the north, known as 'Foxwell', lies on much higher ground.

- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the "original building" shall mean the building as it existed on 1 July 1948.
- Whilst the Council states that the proposed extensions would be disproportionate, the appellant contends the total uplift in floorspace over and above the existing replacement dwelling would only represent approximately 23-28.6%. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does give some guidance on measuring 'proportionality'. The NPPF refers to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the uplift in floorspace and footprint would be modest. Whilst the two-storey extension to the garage, the expansion of roofscape and the insertion of dormer windows would add visual bulk, it is not considered that this would be excessive. I do not find that the resultant width of the annexe would be unacceptably long as the proposed rear extension would be stepped down from the rest of the building with the ridge height of the roof being lower. This would help to reduce the perceived volume of the extension.
- Furthermore, the resultant annexe would remain visually subservient to the main dwelling due to its lower height and overall size. Indeed, although the ridge height of the garage would be raised it would still remain lower in height than the ridge height of the host dwelling. Given its modest single storey height and width, the proposed side extension to the main house would not appear bulky or dominant. Therefore, I find that the scale of the extensions would not subsume the original dwelling and would not be disproportionate.
- On the basis that the proposed extensions would not result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal is not inappropriate development in the Green Belt and would not conflict with Paragraph 149(c) of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.
- The proposed extensions would not detrimentally impact the street scene as only fleeting glimpses of the buildings are possible from Hunts Hill Road because of the solid gate and dense vegetation along the boundaries. The annexe is also set back by a considerable distance from the streetscene and, in any case, the scale and appearance of the extensions would not adversely impact the street scene.
- The proposal would therefore not adversely impact the character and appearance of the host dwelling and surrounding area. It would not conflict with Policy D1 of the LPSS, Saved Policies H8 and G5 of the Guildford Local Plan (2003), the NPPF and the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD)

which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

- I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Costs Decision – Refused

- Mr Christopher Weeks against Guildford Borough Council
- The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- Although I have assessed the proposed extensions and alterations as part of exception (c) of paragraph 149 of the NPPF with the existing replacement building as the baseline as opposed to the demolished original dwelling, it is considered that the Council was reasonably entitled to assess the proposals with the demolished building as the baseline. From the submissions, it is evident that the reasoning related to the proposed development has been clearly substantiated within the Officer Report. This does not support a conclusion of unreasonable behaviour.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.