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Contact Officer:

Sophie Butcher, Democratic Services Officer

24 January 2023

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 1 FEBRUARY 2023 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 MTeams. 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: 716 038 79#.

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

Yours faithfully

Tom Horwood

Joint Chief Executive

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor Fiona White

Vice-Chairman: Councillor Colin Cross

Councillor Jon Askew

Councillor Christopher Barrass

Councillor David Bilbé

Councillor Chris Blow

Councillor Ruth Brothwell

Councillor Angela Goodwin

Councillor Angela Gunning

Councillor Liz Hogger

Councillor Marsha Moseley

Councillor Ramsey Nagaty

Councillor Maddy Redpath

Councillor Pauline Searle

Councillor Paul Spooner

**Authorised Substitute Members:**

Councillor Tim Anderson

The Mayor, Councillor Dennis Booth

Councillor Guida Esteves

Councillor Graham Eyre

Councillor Andrew Gomm

Councillor Steven Lee

Councillor Nigel Manning

Councillor Ted Mayne

Councillor Bob McShee

Councillor Susan Parker

Councillor George Potter

Councillor Jo Randall

Councillor John Redpath

Councillor Will Salmon

Councillor Deborah Seabrook

Councillor Cait Taylor

Councillor James Walsh

Councillor Keith Witham

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

## AGENDA

### **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 13 - 22)**

To confirm the minutes of the meeting of the Committee held on 4 January 2023 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 23 - 24)**

All current applications between numbers 21/P/01211 and 22/P/00738 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/01211 - Land at May and Juniper Cottages, Ash Green Road, Ash, Guildford (Pages 25 - 78)**

5.2 **22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA (Pages 79 - 104)**

### **6 PLANNING APPEAL DECISIONS (Pages 105 - 126)**

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 by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see. 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 either in person or 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 and Elections Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services and Elections 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*.

## PLANNING COMMITTEE

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

- |                                |                             |
|--------------------------------|-----------------------------|
| * 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    |                             |

\*Present

### **PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Chris Barrass and Marsha Moseley. Councillors John Redpath and Jo Randall attended as substitutes respectively.

### **PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

There were no disclosures of interest.

### **PL3 MINUTES**

The minutes of the Planning Committee meeting held on 30 November 2022 were approved and signed by the Chairman.

### **PL4 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL5 22/P/01151 - 20 PIT FARM, GUILDFORD, GU1 2JL**

The Committee considered the above-mentioned full application for demolition of existing building and erection of three dwellings.

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

- Ms Anne Cheese (to object) and;
- Ms Felicia Cox (to object)

The Committee received a presentation from the Planning Officer, Lisa Botha. The application was recommended for approval subject to conditions and a legal agreement securing the necessary mitigation against the impact of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA). Additional conditions were also detailed on the supplementary late sheets to secure the

treatment of openings on the side elevations of the proposed dwellings. Page 32 also had the wrong block plan and the correct version had been included in the supplementary late sheets.

The site was located within the urban area of Guildford and was characterised by residential detached dwellings within sizeable plots, set back from the road, with off-street parking and front boundary treatments. The site comprised the majority of the existing plot of 20 Pit Farm Road. The plot had a detached building which had been subdivided into two units, a single garage and a further outbuilding. The existing buildings on the site would be demolished and replaced by a two-storey pair of semi-detached dwellings and a single detached dwelling. The two-storey dwellings would respect the building line of the road and would have a single storey element to the rear with green roofs. Two parking spaces would be provided for each unit and an integral garage would be provided for plot 3. The parking areas would be constructed with a grass crete surface, which would allow grass to grow through with soft landscaping. To the front of the properties cycle stores would be provided within the rear gardens.

In response to comments made by the public speakers, the planning officer, Lisa Botha confirmed that the application was not to retain the existing building and it was neither possible to protect it as it was not listed. There were some differences in terms of materials to be used and some impact upon neighbouring amenities would be experienced in relation to a reduced amount of sunlight but was only anticipated to occur in the late evening in the summer.

The Committee discussed the application and queried what an integral parking space was. It was confirmed that this was the garage space. 2.5 car parking spaces were recommended as per the supplementary planning guidance but was rounded down owing to the site being located in a sustainable area where other modes of transport existed.

The Committee noted concerns that the proposed development created too much of a wall of building that filled the site and created an artificial building line in that part of Pit Farm Road. The proposal represented a form of over-development that was against the spirit of the NPPF paragraph 130.

The Committee queried whether when the buildings proposed to be demolished would be undertaken with a licensed bat ecologist and if any of the conditions explicitly requested this.

The Committee noted further concerns raised that the proposal appeared very dense and looked cramped onsite with a continuous wall of buildings very close together. Concerns were also raised about rounding down the number of parking spaces required, given it was a proposal for a six-bedroom house and that one of those spaces was the garage when most people used garages for alternative uses rather than park a car in it. Concern was also raised about demolishing the building and officer input was required as to whether there was any merit in quoting paragraph 152 of the NPPF which related to supporting the transition to a low carbon future and shaping places which encourages the reuse of existing resources, including the conversion of existing buildings. The release of carbon when you demolish a building was of great concern.

In response to queries raised the planning officer, Lisa Botha confirmed that a condition could be added requiring that a bat licence would be required. In addition, a condition could be applied which required that the integral parking space in the garage was retained for parking and domestic storage only. If the applicant wished to convert the garage into residential accommodation in the future, they would therefore have to apply to the planning authority. It was also confirmed that as the building was not listed and it was not therefore possible to apply a policy in relation to the retention of the building. With regard to how sustainable and energy efficient the building was currently it was not possible to qualify nor explore the possibilities of retrofitting the existing house as that was not the application before the Committee. Therefore NPPF 152 was not a sufficient policy that could not be upheld at appeal.

The Committee noted further concerns that the proposal represented a form of over-development. The two buildings proposed were identical and was not in character with Pit Farm Road which was characterised by properties of differing appearances. It was considered that planning officers had not considered the Residential Design Guide 2004 which tries to give some protection to character and loose-knit late 19<sup>th</sup> and early 20<sup>th</sup> century housing. Developers should consider the possible conversion or extension of existing houses of character, in particular Victorian and Edwardian houses. Historic character, street layout, plot boundaries, spaces between building lines and adjoining buildings height, scale, form and bulk all need to be adequately assessed. The proposal was for two properties too close to each other that failed to respect the character of the area.

Further concerns were raised about the gap between the proposed dwellings and if planning officers could comment on the fact that the street scene looked idyllic with plenty of space when the block plan did not, and the Committee therefore queried if it was to scale. On page 40 it was noted that there was concern about the boundary with Knowle Cottage not being shown correctly. Concern was also expressed about the effects of climate change and carbon use by demolishing the Victorian house.

In response to queries raised by the Committee, the planning officer, Lisa Botha confirmed that the gaps to the boundaries along Pit Farm Road did vary and therefore there was not an established distance between each of the buildings to the side boundaries. It was 1.6 metres to Knowle Cottage, and Moonrakers was set at a lower level and was in line with rising ridge heights. In terms of the boundaries, the distances were not measured onsite by the planning officers. The application form required applicants to provide the correct information and declare that it was correct, but the Council did not have the resources to check all of these things and the applicant confirmed that everything within the red line was within their ownership. It was also confirmed that the character of the area had been assessed by planning officers who concluded that Pit Farm Road was comprised of varying properties of differing ages, styles and sizes and therefore the existing proposal did not need to comply with a specific character as well as the property being to scale.

A motion was moved and seconded to approve the application which was lost. (As Councillor Bilbe was not present for the entire debate regarding this application, he did not take part in the votes as listed below.)

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	Chris Blow		X	
3	Ramsey Nagaty		X	
4	Fiona White			X
5	Angela Goodwin	X		
6	Ruth Brothwell		X	
7	Pauline Searle		X	
8	Liz Hogger		X	
9	Maddy Redpath		X	
10	Jo Randall		X	
11	Colin Cross		X	
12	Angela Gunning		X	
13	John Redpath		X	
14	Paul Spooner			X
	<b>TOTALS</b>	<b>2</b>	<b>10</b>	<b>2</b>

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Maddy Redpath	X		
3	Liz Hogger	X		
4	Ramsey Nagaty	X		
5	Pauline Searle	X		
6	Angela Gunning	X		
7	Paul Spooner	X		
8	Angela Goodwin			X
9	Jo Randall	X		
10	Colin Cross	X		
11	Jon Askew			X
12	John Redpath	X		
13	Chris Blow	X		
14	Ruth Brothwell	X		
	<b>TOTALS</b>	<b>12</b>	<b>0</b>	<b>2</b>

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

RESOLVED to refuse application 22/P/01151 for the following reasons:

1. By virtue of the combination of their scale, mass and height together with the proposed limited gaps to the side boundaries and between the two proposed buildings, the development would fail to comply with the established spacious character of the area and fail to comply with policies D1(1) and D1(4) of Guildford Borough Local Plan: Strategy and Sites 2015-2034, the Guildford Borough Council Residential Design Guide 2004 and paragraph 130 of the NPPF.
2. The proposal would fail to provide sufficient on-site parking spaces to serve the proposed development contrary to saved policy G5(8) of the Guildford Borough Local Plan 2003 and the Guildford Borough Local Plan Draft Parking Supplementary Planning Document 2022.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.



Informatives:

1. This decision relates expressly to drawing numbers: 0000-Block Location plan- P02 0001-Proposed Site plan- P03 0101-Proposed Floor Plans Plot 1-2- P02 0102-Proposed Floor Plans Plot 3- P01 0301-Proposed Elevations Plot 1-2- P02 received on 06/10/22 and 0303-Proposed Street Scene- P03 and 0304-Proposed Elevations Plot 3- P02 received 28/11/22.
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 alterations were required to overcome concerns, these were sought, and the applicant agreed to the changes.

**PL6      22/P/00706 - WHITE TIMBERS, FOREST ROAD, EAST HORSLEY, KT24 5ER**

The Committee considered the above-mentioned full application for retention of the car port with cantilevered canopy and gable roof together with the existing patio area (retrospective application).

The Committee received a presentation from the planning officer, Kieran Cuthbert. The proposal was for a retrospective application for the retention of a car port at the front of the dwelling of White Timbers. The application had been called to Committee due to receiving more than 10 letters of objection. The site was located on Forest Road which was in the northern side of the East Horsley Village area, inset from the Green Belt. There were no planning constraints on the site. The carport would extend out from the front of the dwelling at a depth of 10.5 metres which included the hardstanding area. The carport had a simple pitched roof with gable ends and was of a modest height with eaves set below the single storey element.

The Committee noted that an important material consideration was that the previous application recommended for refusal had been approved at appeal. The scale of the proposed car port previously approved would be the same as that of the appeal scheme. The hardstanding section of this application was part of the main car port, and as such this proposal would be smaller than that already approved. The appeal Inspector stated that the proposal would appear sufficiently subservient given its modest scale and relationship with the main dwelling. Given the site had an approval granted for a larger scheme, as per the recent appeal decision, refusal of the proposal would be contrary to the appeal Inspector's decision and as such was therefore recommended for approval.

The Committee discussed the application and agreed that given the extant permission already existed for the previous scheme that the proposal should be approved. The Committee noted that the application had received at least 14 objections, including from East Horsley Parish Council. The Ward Councillor had raised concern that she did not receive a 7-day notification. The planning officers confirmed that the trigger point for the scheme had already been met by the number of objections received and it therefore did not need to go on the 7-day notification list.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Paul Spooner	X		
2	David Bilbe	X		
3	Angela Gunning	X		
4	Pauline Searle	X		
5	Maddy Redpath	X		
6	Ruth Brothwell	X		
7	Ramsey Nagaty			X
8	Jon Askew	X		
9	Angela Goodwin	X		
10	Chris Blow	X		
11	Fiona White	X		
12	John Redpath	X		
13	Jo Randall	X		
14	Liz Hogger	X		
15	Colin Cross	X		
	<b>TOTALS</b>	<b>14</b>	<b>0</b>	<b>1</b>

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

RESOLVED to approve application 22/P/00706 subject to the reasons and conditions as detailed in the report.

**PL7 22/P/01330 - 1 FOWLERS CROFT, COMPTON, GUILDFORD, GU3 1EH**

The Committee considered the above-mentioned full application for subdivision of the existing plot and erection of a detached two-storey dwelling with rooms in the roof.

The Committee received a presentation from the planning officer, Kieran Cuthbert. The proposal was for a new dwelling in the centre of the village within the Compton Conservation Area. The application had been called in by the ward councillor. The proposal would be sited on the street in the centre of the settlement area and was within the Green Belt. Limited infilling in the Green Belt was an exception of the NPPF as long as the site was within the settlement boundary. The supporting text to policy P2 outlined that limited infilling included the infilling of small gaps within the built development and that it should be appropriate to scale and not have an adverse impact on the character of the countryside or local environment. In this instance, the planning officer had concluded that the site was in a small gap and as such limited infilling would apply. The existing access would be retained, and parking provided for both dwellings. The dwelling would have a separation distance of 2.5 metres and 2.1 metres respectively. The dwelling would also be set back from Oak Lodge and set slightly in front of 1 Fowlers Croft. The dwelling would be two-storeys with a habitable loft space. The roof would have a flat top with hipped elements. The dwelling was similar in character to many of the surrounding properties. The dwelling did fit into the gaps in the existing built form and the design was similar to that of the neighbouring dwellings. There were also no conservation concerns and the Surrey Highways Authority had raised no concerns. The application was therefore recommended for approval.

The Committee discussed the application and noted concerns raised regarding the proposed development being out of character with the general area. The existing properties are mostly old, in a Conservation Area and in the Green Belt. The gap that was being infilled was a driveway. Previously,

the plot had a large garden and the applicant applied for planning permission to construct a number of houses which was refused. The end of the garden was then sold, and a house was built on that land. This additional house was considered to be a form of over-development. In addition, concerns were raised regarding reversing vehicles off a very steep drive onto an already busy road where a number of accidents had occurred in the last three years including a death. The site was also located in the Compton Air Quality Management Area (AQMA).

The Committee noted comments that the proposed scheme fitted well into the streetscene, and the design was of a high standard. It was also noted that the County Highway Authority had not submitted any objections to the scheme despite the dangerous road.

Clarification was sought from planning officers that the site was located outside of the Compton AQMA as stated on page 57 of the report.

The Committee noted that some Planning Committee members had attended a site visit for this application the day previously. It was noted that the proposed development with the houses on either side did constitute limited infilling as there was a clear gap between the two houses. Unless a huge property was to be built, there was plenty of room to put another dwelling in the gap and it was in line with the existing dwellings.

The planning officers confirmed that the site was located outside of the Compton AQMA but was close to it. However, the impact of one additional dwelling on the AQMA was not considered to have a significant impact upon it.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Colin Cross			X
2	Jo Randall	X		
3	Ruth Brothwell	X		
4	Chris Blow		X	
5	Angela Gunning	X		
6	John Redpath			X
7	David Bilbe	X		
8	Liz Hogger	X		
9	Jon Askew	X		
10	Paul Spooner	X		
11	Fiona White	X		
12	Ramsey Nagaty		X	
13	Pauline Searle	X		
14	Maddy Redpath	X		
15	Angela Goodwin	X		
	<b>TOTALS</b>	<b>11</b>	<b>2</b>	<b>2</b>

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

RESOLVED to approve application 22/P/01330 subject to the conditions and reasons as detailed in the report. (post-meeting note: the planners have confirmed that the site was not within the 400m – 5km SPA buffer zone and as such no Section 106 is required, as was previously stated in the report).

**PL8 PLANNING APPEAL DECISIONS**

The Committee noted the planning appeal decisions and that a number of non-determination were listed as well as a number that had been withdrawn.

The Committee noted that two of the appeals related to Berkeley Homes at no.15. Appeal B for the Howard of Effingham School, Lower Road, Effingham, KT24 5JR stated that the decision had been delegated to refuse. However, that was not the case, the Committee had over-turned the officer recommendation to approve and refused the application. The Planning Inspectorate agreed with the Planning Committee and upheld the refusal.

**PL9 APPLICATIONS 22/P/01336 AND 22/P/01337 - LAND BOUNDED BY THE FRIARY BUS STATION, NORTH STREET AND LEPALE ROAD, GUILDFORD, GU1**

The Committee noted, as detailed on the supplementary late sheets the following:

“On 3 January 2023 and in accordance with Council Procedure Rule 26 (c), Councillor Paul Spooner has proposed, and Councillor Marsha Moseley has seconded, that the above planning application be referred to the full Council for determination in its capacity as the Local Planning Authority. The rationale for the request, as stated by Councillor Spooner, is as follows:

*“This application is very important to the Town and Borough and to be determined by a small number of members, some relatively inexperienced (from a Major development perspective) and some pre-determined, is wrong. Every Councillor should have the opportunity to speak and question Officers and be seen doing this in an open and transparent way.*

*As it stands the application falls short on policy grounds such as the provision of affordable units and there is (unusually!) strong opposition from key stakeholder partners such as Surrey County Council. If we are going to ignore policy (and we have the right to do that) then the whole Council should be party to the decision”.*

Council Procedure Rule 26 (c) provides that the Democratic Services and Elections Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. This email was sent to all councillors yesterday evening. The matter is then placed as an agenda item for consideration at the next Planning Committee meeting.

The proposer and seconder shall each be given three minutes to state their case at the meeting. However, the seconder (Cllr Moseley) in relation to this matter has given her apologies for absence this evening. In the circumstances, Councillor Bilbe will be invited to speak on behalf of the seconder, following which the Committee will debate the proposal and then take a vote on it. Reference of this planning application (and the associated Listed Building Consent application) to the full Council for determination will be decided by a majority vote of the Committee this evening.

If the Committee decides to refer the applications to full Council for determination, an extraordinary meeting of the Council would need to be convened for this purpose, which would, if necessary, be held on Wednesday 25 January 2022 at 7pm.”

The Chairman, Councillor White clarified for the Committee that it was not debating any aspect of applications 22/P/01336 or 22/P/01337. Gemma Fitzpatrick, Interim Team Leader was invited to make an introductory statement.

Councillor Spooner was invited to make a three-minute speech in support of his request that application 22/P/01336 was deferred to full Council for determination in its capacity as the Local Planning Authority. He stated that it had been ten years since he last brought forward such a motion owing to the application being very important for both the borough and town and therefore necessary for full Council to ultimately determine it.

Councillor Bilbé who seconded the motion stated that it was a highly topical subject and was going to be a popular debate. Many people wished to comment on the application in the town centre and in the spirit of transparency wished for the application to be considered by full Council.

The Committee debated the motion and noted comments that the Council had appointed the Planning Committee to determine such applications. Planning Committee members had the expertise to look at applications in detail and attended training sessions to qualify their knowledge. There was concern that some councillors who did not sit on the Planning Committee might not have attended any training in relation to planning to date and would therefore need to attend appropriate training prior to the consideration of the application. Some councillors may have already pre-determined their decision meaning that they would be unable to take part in the debate.

The Committee also noted concerns regarding putting the Mayor in the situation of having to chair a meeting of Council which had convened to consider such an application when he had no previous experience of chairing meetings that considered planning applications.

The Committee RESOLVED to refuse the motion to request that applications 22/P/01336 and 22/P/01337 be deferred to full Council. Both applications would therefore be considered at the Special Planning Committee meeting on 11 January 2023 at 7pm.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White		X	
2	Paul Spooner	X		
3	Chris Blow		X	
4	John Redpath		X	
5	David Bilbe	X		
6	Colin Cross		X	
7	Maddy Redpath		X	
8	Jo Randall	X		
9	Ramsey Nagaty		X	
10	Angela Gunning		X	
11	Angela Goodwin		X	
12	Liz Hogger		X	
13	Pauline Searle		X	
14	Jon Askew		X	
15	Ruth Brothwell		X	
	<b>TOTALS</b>	<b>3</b>	<b>12</b>	<b>0</b>

The meeting finished at 8.50 pm

Signed .....

Date .....

Chairman

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**GUILDFORD BOROUGH COUNCIL**

**PLANNING COMMITTEE INDEX**

**01/02/2023**

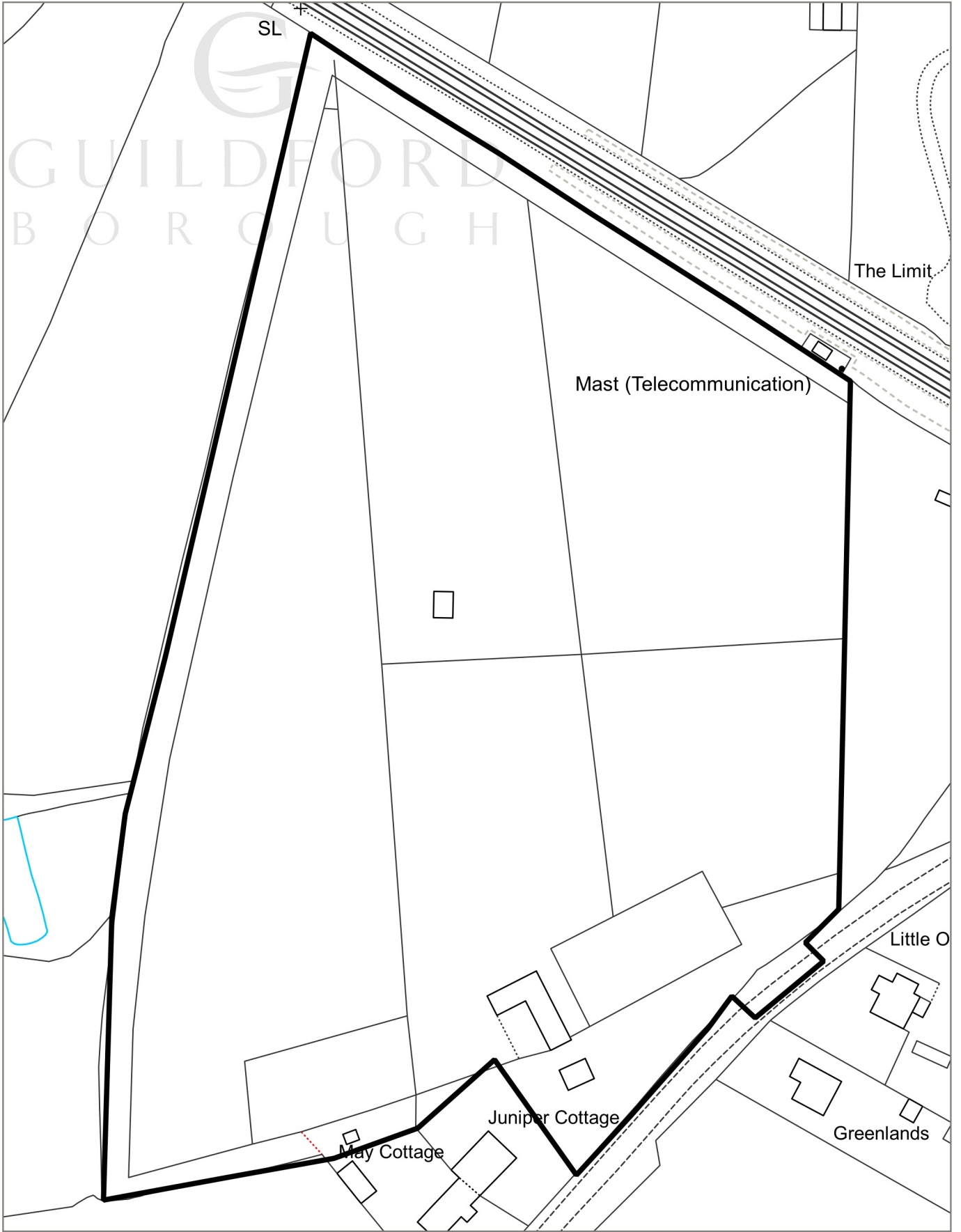
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Ash	Bloor Homes Southern, River Reach	Land at May and Juniper Cottages, Ash Green Road, Ash, Guildford	21/P/01211	APPC	25.
5.2	Tongham	Owen	Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10 1LA	22/P/00738	S106	79.

**Total Applications for Committee                    2**

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# 21/P/01211 - Land At May And Juniper Cottages, Ash Green Road, Ash, Guildford



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

Print Date: 23/01/2023

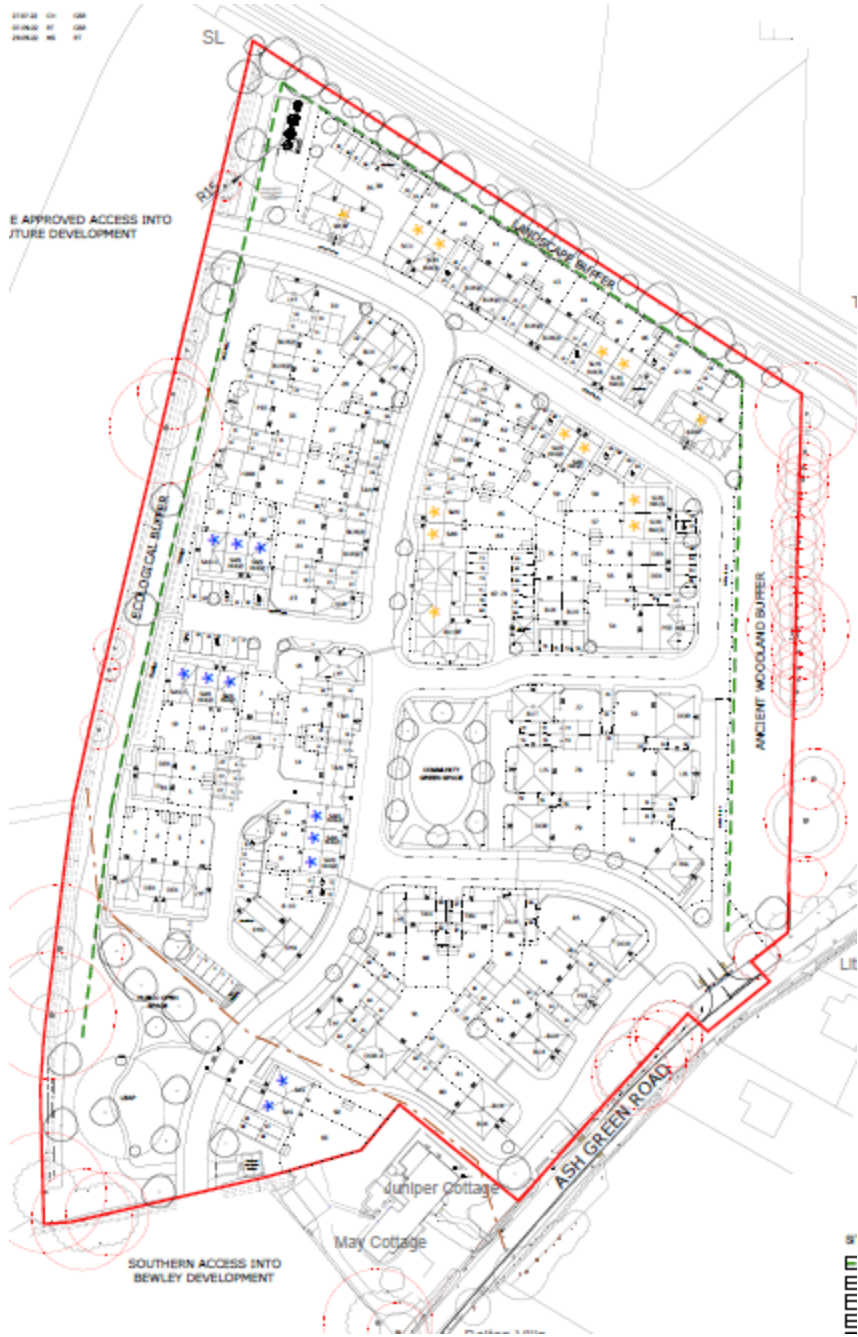


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GUILDFORD  
BOROUGH

21/P/01211 - Land at May and Juniper Cottages, Ash Green Road, Ash,



Not to scale



**App No:** 21/P/01211  
**Appn Type:** Full Application  
**Case Officer:** Hannah Yates  
**Parish:** Ash  
**Agent :** Mr R. Steele  
 Savills

**8 Wk Deadline:** 03/02/2023

**Ward:** Ash South & Tongham  
**Applicant:** Mr C. Hebden  
 Bloor Homes Southern  
 River Reach  
 Unit 7 Newbury Business Park  
 Lond Road  
 Newbury  
 RG14 2PS

**Location:** Land at May and Juniper Cottages, Ash Green Road, Ash, Guildford, GU12 6JH  
**Proposal:** Reserved matters application pursuant to outline permission 18/P/02308, approved on 18/02/2020, to consider appearance, landscaping, layout and scale in respect of the erection of 93 dwellings.

**Executive Summary**

**Reason for referral**

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

**Key information**

Reserved matters application pursuant to outline permission 18/P/02308, approved on 18/02/2020, to consider appearance, landscaping, layout and scale in respect of the erection of 93 dwellings.

**Details of the application**

	<b>Private</b>	<b>Affordable rented</b>	<b>Shared ownership</b>	<b>Total</b>
One bed units	3	16	0	<b>19</b>
Two bed units	17	4	7	<b>28</b>
Three bed units	24	5	4	<b>33</b>
Four bed units	11	1	0	<b>12</b>
Five bed units	1	0	0	<b>1</b>
<b>Total</b>	<b>56</b>	<b>26</b>	<b>11</b>	<b>93</b>

This equates to 40% affordable housing provision, with a 70/30 split of affordable rent to other forms of affordable units.

All homes meet the minimum size requirements as set out in the Technical housing standards – nationally described space standard.

M4(3)(2)(a) 'wheelchair adaptable' standard homes: Plots 11-13, 17, 18, 21,22, 59 & 60

M4(2) 'accessible and adaptable' standard homes: Plots 40, 45, 46, 57 & 58 [Officer note: This

layout complies with requirements of condition 5 on the outline permission]

Site area: 3.5 hectares

Density: 27 dwellings per hectare

Density excluding landscape buffers and open space: 33 dwellings per hectare

Allocated parking spaces: 160

Visitor parking spaces: 1 in a bay, and in addition the applicant has indicated that there are a number of areas on-street suitable for visitor parking along the primary and secondary streets - 19 of these spaces are detailed on the parking plan

Garage parking spaces: 25 (not included in allocated parking spaces)

Separate secure cycle storage provided for the flats and within sheds for dwellings on plot

The application proposes a number of 2 storey dwellings inclusive of detached, semi-detached and terraces; as well as 4 blocks of flats also 2 storeys in height. The application proposes a Local Equipped Area of Play (LEAP) for children's play space, a central area of amenity green space and overlooked, green landscape buffers to the east and west.

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

The principle of the development has been established under the outline planning permission (18/P/02308) and the site is allocated under policy A31. The application seeks approval for the layout of the site as well the scale and appearance of the buildings and the landscaping of the site.

The application for reserved matters is consistent with current development plan policies, and it is concluded the proposal is in accordance with the Development Plan when read as a whole.

There are some conflicts with emerging policy ID11 and the Strategic Development Framework SPD which form material considerations. These conflicts relate to parking provision and the future potential of bus use through the site, however no material harm has been identified from these minor breaches.

The proposed layout has responded to the constraints and opportunities on the site, including the adjacent Ash Manor complex. The proposed dwellings have been designed to reflect the local vernacular where materials will be conditioned and boundary treatment and landscaping plans refined ensuring the development is appropriate to the context. The scale and height of buildings is considered appropriate towards the edges of the A31 allocation. The scheme, through its urban design principles will create a place with a sense of identity/place and is considered to have an appropriate relationship with Ash Green, providing a green buffer. Cycle and car parking is considered to be appropriate in the context and the arrangement of internal roads and pedestrian routes are safe, convenient, allowing for the potential of future permeability in accordance with the outline permission and the Strategic Development Framework SPD.

The design takes into account the amenity of future occupiers as well as providing appropriate separation distances from existing neighbours to avoid overlooking, loss of outlook, loss of daylight and sunlight and to minimise noise and disturbance.

The details approved by this application will minimise the harm to the designated heritage assets at the Ash Manor complex, and ensures that the development itself will cause less than substantial harm - at the lower end of the scale. This level of heritage harm was considered to be acceptable at the outline stage given the public benefits of the scheme, and it is not open to the Council to revisit this judgement on this application for reserved matters.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Drawing Reference</b>	<b>Drawing Title</b>	<b>Drawing Revision</b>	<b>Dated (On GBC WEBSITE)</b>
SL.01	Site Layout	P	30/11/2022
AHL.01	Affordable Housing Layout	H	30/11/2022
LP.01	Location Plan	A	01/06/2021
CSL.01	Coloured Site Layout	P	06/01/2023
HT.BUT.e	House Type Butler Elevations	A	03/08/2022
HT.BUT.p	House Type Butler Floor Plans	B	03/08/2022C
HT.BUX-3.e	House Type Buxton (2-Block) Elevations Option 3	A	03/08/2022
HT.BUX-4.e	House Type Buxton (2-Block) Elevations Option 4	A	03/08/2022
HT.BUX.p	House Type Buxton (2-Block) Floor Plans	E	03/08/2022
HT.BUX-2-1.e	House Type Buxton 2 Bed (2-Block) Elevations Option 1	A	03/08/2022
HT.BUX-2-2.e	House Type Buxton 2 Bed (2-Block) Elevations Option 2	A	03/08/2022
HT.BUX-2.p	House Type Buxton 2 Bedroom (2-Block) Floor Plans	A	03/08/2022
HT.DEK.e	House Type Dekker Elevations	A3 B	03/08/2022
HT.DEK.p	House Type Dekker Floor Plans	A3 B	03/08/2022
HT.DOR1.e	House Type Dorneywood Elevations Option 1	A3 B	03/08/2022
HT.DOR-2.e	House Type Dorneywood Elevations Option 2	A3 B	03/08/2022
HT.DOR.p	House Type Dorneywood Floor Plans	A3 B	03/08/2022
HT.DOR-A.e	House Type Dorneywood-A Elevations Option 2	A3 A	03/08/2022
HT.DOR-A.p	House Type Dorneywood-A Floor Plans	A3 A	03/08/2022
HT.HAW.e	House Type Hawkins Elevations	A3 A	03/08/2022
HT.HAW.p	House Type Hawkins Floor Plans	A3 B	03/08/2022
HT.HUX.e	House Type Huxley Elevations	A3 A	03/08/2022
HT.HUX.p	House Type Huxley Floor Plans	A3 A	03/08/2022
HT.LIS.e	House Type Lister Elevations	A3 A	03/08/2022
HT.LIS.p	House Type Lister Floor Plans	A3 B	03/08/2022
HT.LYF-1.e	House Type Lyford Elevations Option 1	A3 A	03/08/2022
HT.LYF-2.e	House Type Lyford Elevations Option 2	A3 A	03/08/2022
HT.LYF.p	House Type Lyford Floor Plans	A3 A	03/08/2022
HT.PEE-1.e	House Type Peele Elevations Option 1	A3 A	03/08/2022
HT.PEE-2.e	House Type Peele Elevations Option 2	A3 A	03/08/2022
HT.PEE-3.e	House Type Peele Elevations Option 3	A3 A	03/08/2022
HT.PEE.p	House Type Peele Floor Plans	A3 A	03/08/2022
HT.RAL.e	House Type Raleigh Elevations	A3 A	03/08/2022
HT.RAL.p	House Type Raleigh Floor Plans	A3 B	03/08/2022

HT.SAN(2blk).e	House Type Sansom (2-Block) Elevations	A3 A	03/08/2022
HT.SAN(2blk).p	House Type Sansom (2-Block) Floor Plans	A3 A	03/08/2022
HT.SAS(2blk)-1.e	House Type Sassoon (2-Block) Elevations Option 1	A3 B	03/08/2022
HT.SAS(2blk)-2.e	House Type Sassoon (2-Block) Elevations Option 2	A3 B	03/08/2022
HT.SAS(2blk).p	House Type Sassoon (2-Block) Floor Plans	A3 B	03/08/2022
HT.SUNM4(3).e	House Type Sundman M4(3) (2-Block) Elevations	A3 A	03/08/2022
HT.SUNM4(3).p	House Type Sundman M4(3) (2-Block) Floor Plans	A3 A	03/08/2022
HT.TAN(2blk).e	House Type Tanner (2-Block) Elevations	A3 A	03/08/2022
HT.TAN(2blk).p	House Type Tanner (2-Block) Floor Plans	A3 A	03/08/2022
HT.TAN.e	House Type Tanner Elevations	A3 A	03/08/2022
HT.TAN.p	House Type Tanner Floor Plans	A3 A	03/08/2022
P.1-4.e	Plots 1-4 Elevations	A3 B	03/08/2022
P.1-4.p	Plots 1-4 Floor Plans	A3 B	03/08/2022
P.8-10.e	Plots 8-10 Elevations	A3 B	03/08/2022
P.8-10.p	Plots 8-10 Floor Plans	A3 B	03/08/2022
P.11-15.e	Plots 11-15 Elevations	A2 A	03/08/2022
P.11-15.p	Plots 11-15 Floor Plans	A2 A	03/08/2022
P.17-19.e	Plots 17-19 Elevations	A3 A	30/11/2022
P.17-19.p	Plots 17-19 Floor Plans	A3 A	30/11/2022
P.20-22.e	Plots 20-22 Elevations	A3 A	30/11/2022
P.20-22.p	Plots 20-22 Floor Plans	A3 A	30/11/2022
P.28-29.e	Plots 28-29 Elevations	A3 A	03/08/2022
P.28-29.p	Plots 28-29 Floor Plans	A3 A	03/08/2022
P.39-40.e	Plots 39-40 Elevations	A3 A	03/08/2022
P.39-40.p	Plots 39-40 Floor Plans	A3 A	03/08/2022
P.62-64.e	Plots 62-64 Elevations	A3 A	03/08/2022
P.62-64.p	Plots 62-64 Floor Plans	A3 A	03/08/2022
P.87-89.e1	Plots 87-89 Elevations Sheet 1 of 2	A3 A	03/08/2022
P.87-89.e2	Plots 87-89 Elevations Sheet 2 of 2	A3 A	03/08/2022
P.87-89.p1	Plots 87-89 Floor Plans Sheet 1 of 2	A3 A	03/08/2022
P.87-89.p2	Plots 87-89 Floor Plans Sheet 2 of 2 P.87	A3 A	03/08/2022
P.35-38.e	P.35-38 Elevations	A2 A	03/08/2022
P.35-38.p	P.35-38 Floor Plans	A2 A	03/08/2022
P.47-50.e	P.47-50 Elevations	A2 A	03/08/2022
P.47-50.p	P.47-50 Floor Plans	A2 A	03/08/2022
P.67-74.e	P.67-74 Elevations	A2 A	03/08/2022
P.67-74.p	P.67-74 Floor Plans	A2 A	03/08/2022
CP.01.pe	Car Port Floor Plan and Elevations	A3 B	03/08/2022
GAR.01.pe	Single Garage Floor Plan and Elevations	A3 B	03/08/2022
GAR.02.pe	Double Garage Floor Plan and Elevations	A3 B	03/08/2022

SHD.01.pe	Shed Floor Plan and Elevations	A3 B	03/08/2022
BBS.01.pe	Bin and Bikes Store (Plots 35-38, 47-50) Floor Plan and Elevations	A3 B	03/08/2022
BBS.02.pe	Bin and Bikes Store (Plots 67-74) Floor Plan and Elevations	A3 A	03/08/2022

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

2. No development above ground level shall take place (excluding ground works, demolition and construction up to damp proof course (dpc) and the construction of the access) until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

3. No development above ground level shall take place (excluding ground works, demolition and construction up to damp proof course (dpc) and the construction of the access) until detailed drawing and/or samples of the:

- a) porches
- b) fenestration details; and
- c) fascias, soffits and gutters

to be used externally have been submitted to and approved in writing by the Local Planning Authority. The details should include sections, plans and elevations on drawings at a scale of at least 1:20. The development shall only be carried out using the approved external materials.

Reason: To ensure that the appearance of the development is satisfactory, taking into consideration its location within the setting of the Ash Manor complex.

4. Prior to first occupation of the development hereby approved, a detailed landscaping scheme, in accordance with the overall principles of the submitted landscaping plans (SO136-LS-001 Rev D, SO136-LS-002 Rev D and SO136-LS-003 Rev D) shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include full details of:

- a) hardstanding surfaces;
- b) soft landscaping – this must include a supplemented and robust boundary along the western side of the site adjacent to the Ash Manor complex;
- c) public seating

The scheme should incorporate measures to design out the opportunity for car owners to use verges for parking. For examples knee rails, mounding, dense evergreen shrubs rather than grass, and tree protection should be considered. It

will also need to provide further details of how the railway buffer will be secured and maintained - boundaries will need to be clearly defined and maintenance responsibilities clearly explained.

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be carried out in accordance with the approved plans and shall be implemented prior to the occupation of the development and retained thereafter.

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

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

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

6. Prior to first occupation of the development hereby approved, an amended boundary treatment plan which details the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the local planning authority. The submitted plan needs to take the following into account:

- Replace long stretches of public facing fencing to the sides of plots 20, 19 and 1 with a more appropriate response (for example brick wall, climbers and trees). Rationalise low fencing to fronts of plots 5,6,19 and 20. (Street Scene Section B)
- Amend fencing to the side of 47-50 to a more appropriate response (for example cleft fencing) and provide access for maintenance
- The scheme should incorporate measures to design out the opportunity for car owners to use verges for parking

Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall be maintained in perpetuity.

Reason: To ensure that the external appearance of the development is satisfactory.

7. The development must accord with the Arboricultural Method Statement prepared by ACD Environmental (Ref. BLO22959ams) dated 27/07/2022 and the Tree Protection Plan (Ref. BLO22959-03).

Reason: To retain and protect the existing trees which form an important part of



the amenity of the locality.

8. No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person qualified in arboriculture, and approved by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The Arboricultural Supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary to ensure compliance with the approved ACD Environmental (Ref. BLO22959ams) dated 27/07/2022 and the Tree Protection Plan (Ref. BLO22959-03).

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

9. Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer, Arboricultural Supervisor and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with approved ACD Environmental (Ref. BLO22959ams) dated 27/07/2022 and the Tree Protection Plan (Ref. BLO22959-03). The tree protection shall be positioned as shown on the Tree Protection Plan, before any equipment, materials or machinery are brought onto the site for the purposes of the development.

The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of appropriate monitoring and compliance by the pre-appointed Arboricultural Supervisor.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality. It is considered necessary for this to be a pre-commencement condition because the tree protection measures need to be checked prior to the development commencing to ensure they are adequately installed.

10. All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 10 years from the first occupation of the development.

a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.

b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be

planted at the same place, in the next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained landscape features.

11. Prior to the first occupation of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the BEEP, its Addendum, and the Landscape Strategy Drawings (which should be appended to the document); and should include, but not be limited to the following:
- a) Description and evaluation of features to be managed, including but not limited to:
    - i. Retained, enhanced, and newly created habitats
    - ii. The Ancient Woodland and its buffer
    - iii. Areas of the site being managed specifically for reptile species
    - iv. Bird and bat boxes
    - v. Boundary fencing
  - b) A reptile mitigation strategy
  - c) Ecological trends and constraints on site that might influence management
  - d) Aims and objectives of management
  - e) Prescriptions for management actions, together with a plan of management compartments
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - g) Details of the body or organisation responsible for implementation of the plan
  - h) Ongoing monitoring and remedial measures
  - i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
  - j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: To ensure satisfactory landscaping and to prevent adverse impacts on protected species resulting from the proposed development works.

12. No development shall take place, until an amended Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. In addition to what is contained in the submitted CEMP, the amended CEMP shall provide for:
- a) Map showing the location of all ecological features
  - b) Practical measures to avoid and reduce impacts during construction, including, but not limited to, areas where reptiles are present, particularly reptile receptor areas
  - c) The requirement for ground level bat roost assessment prior to tree works

- d) Responsible persons and lines of communication
- e) Use of protected fences, exclusion barriers and warning signs, including:
  - i. Erection, maintenance, repair, and removal of reptile exclusion fencing
  - ii. Erection, maintenance, and repair of boundary fencing installed to protect the Ancient Woodland buffer zone.

Reason: To ensure that satisfactory measures are put in place to protect the environment during the construction period. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

13. Prior to the start of development works, a survey of the site by an appropriately qualified and experienced ecologist shall be submitted to, and approved in writing by the LPA. The survey should be undertaken within the proposed development boundary and a 30m buffer where possible, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the LPA to prevent harm to this species.

Reason: To prevent adverse impacts on protected species resulting from the proposed development works.

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

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works and in the interest of minimising harm to nearby heritage assets.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remediation works, a verification report must be submitted to and approved in writing of the local planning authority.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Before any development is commenced (excluding demolition, ground works and construction up to damp proof course (dpc) and the construction of the access), a fully detailed scheme for protecting the proposed gardens/amenity

areas from noise from the adjacent railway line shall be submitted to and approved by the Local Planning Authority (LPA). The scheme shall comprise such works as are necessary to ensure compliance in general terms with the provisions of PPG24 (Planning and Noise) and specifically with regard to desirable noise levels detailed in the WHO 2000 Guidelines for Community Noise. Any works which form part of the scheme shall be fully completed before any part of the noise-sensitive development is occupied unless an alternative period is agreed in writing by the LPA and shall thereafter be maintained in perpetuity.

Reason: To safeguard the residential amenities of the proposed properties adjacent to the railway.

17. 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.

18. The window in the first floor side elevation of plot 80 of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window which can be opened is 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.

19. No occupation of the dwellings hereby approved shall take place until details including plans, have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each building where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.

Reason: To ensure that the new development in Guildford is provided with high quality broadband services and digital connectivity.

20. 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) any garage or car barn which has been approved with open sides, fronts or backs shall remain as such in perpetuity and they shall not be further enclosed in full or in part at any time and be useable for its designated purpose for car parking.

Reason: To prohibit the unsightly enclosure of the structures and in an ad-hoc manner, to protect the character and appearance of the development and ensure that parking provision is maintained to prevent obstruction of the highway.

21. Before the first occupation of the 90th dwelling of the development a certificate demonstrating that Secured by Design (physical security) has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

22. Before the development hereby approved is first occupied an amended Refuse Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and made available for use prior to the first occupation of the development and shall thereafter be retained in perpetuity.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

23. No development above ground level shall take place (excluding ground works, demolition and construction up to damp proof course (dpc) and the construction of the access) until amended details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for user prior to the occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

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

**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.

In this case pre-application advice was sought and provided which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues.

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](mailto:buildingcontrol@guildford.gov.uk)
  
3. County Highway Authority Informatives:
  - The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
  - 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](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
  - 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. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).
  - 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-infrast ructure.html> for guidance and further information on charging modes and connector types. Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment: <https://www.theiet.org/resources/standards/cop-electric.cfm>

4. Lead Local Flood Authority Informatives:

- Proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- If proposed works result in infiltration of surface water to ground within a Source Protection Zone
- If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

5. Network Rail informatives:

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the

applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any thirdparty access to its land.

#### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land



boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

#### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

#### Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

#### Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

#### Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

#### Property Rights

Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: AssetProtectionAnglia@Networkrail.co.uk

Kent and Sussex: AssetProtectionLondonSouthEast@NetworkRail.co.uk

Wessex: AssetProtectionWessex@NetworkRail.co.uk

To identify your route, please use the link:

<https://www.networkrail.co.uk/running-the-railway/our-routes>

6. Thames Water Informatives:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

7. Environmental Health Informatives:

As this is a large development involving the addition of 100 houses to the area, the applicant should be following the guidance contained in the Institute of Air Quality Management (IAQM) document 'Land-Use Planning & Development Control: Planning For Air Quality':

[https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/air-quality-planningguidance\\_](https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/air-quality-planningguidance_Jan17.pdf)

Jan17.pdf In particular, the staged approach outlined in Section 6 of this document should be reviewed and followed.

## **Officer's Report**

### **Site description.**

The site is within the urban area of Ash and Tongham and forms part of a large site allocated for housing under policy A31 of the Local Plan: Strategy and Sites. The site is also within the 400m to 5km zone of influence of the Thames Basin Heaths Special Protection Area. The application site comprises an irregularly shaped section of land located north of Ash Green Road. The site was most recently used for the keeping of horses and includes a stable building close to the access to Ash Green Road. The site is generally open and laid to grass, containing little development other than the stable building and includes few notable landscape features. The site is generally flat but the site levels fall gradually from south to north in the direction of the railway.

The site boundaries are generally marked with mature trees and hedgerow's with an area of ancient woodland marking the eastern boundary and a railway line marking the northern boundary. A number of trees along the western and southern boundary are covered by TPO (No. 7 of 2017). To the south of the site are a number of detached and semi-detached properties along Ash Green Road. To the west of the site is a small complex of buildings known as Ash Manor that contains a number of dwellings and farm structures. The largest building within the complex is Grade II\* listed and is converted into two residential dwellings, known as Ash Manor and Old Manor Cottage. To the south of these is The Oast House, which is also in residential use and which includes a stable block off one wing. The Oast House and stables are Grade II listed (one listing). To the south of this is a further residential dwelling known as Oak Barn, which too is Grade II listed.

**Proposal.**

Reserved matters application pursuant to outline permission 18/P/02308, approved on 18/02/2020, to consider appearance, landscaping, layout and scale in respect of the erection of 93 dwellings.

Amended plans and additional information

Through the process of the application determination, three sets of amended plans and a number of amended and additional supporting documents were received in response to concerns raised. The key changes to the application are:

- Reduction from 100 dwellings to 93
- Change in layout to address concerns around the landscape buffers to west and east of the site
- Reduction in height of flats from 3 storey to 2 storey and the introduction of corner turning apartment
- Change in layout around May and Juniper Cottages to provide better enclosure of private space and a better response to the public realm
- A larger and more centralised area of public open space
- Addition of a swale in the SuDs strategy
- Introduction of street trees
- Amended house designs on two plots, so that the development complies with Condition 5 of the Outline Planning Permission which requires 10% of the homes to meet M4(2) standards and 5% to meet M4(3) standards
- The layout has been adjusted in certain locations to ensure adequate turning and servicing for refuse vehicles.

A number of re-consultations were undertaken on the amended information, and a summary of all the responses are found in the consultation section below.

Details of the application

	<b>Private</b>	<b>Affordable rented</b>	<b>Shared ownership</b>	<b>Total</b>
One bed units	3	16	0	<b>19</b>
Two bed units	17	4	7	<b>28</b>
Three bed units	24	5	4	<b>33</b>
Four bed units	11	1	0	<b>12</b>
Five bed units	1	0	0	<b>1</b>
<b>Total</b>	<b>56</b>	<b>26</b>	<b>11</b>	<b>93</b>

This equates to 40% affordable housing provision, with a 70/30 split of affordable rent to other forms of affordable units.

All homes meet the minimum size requirements as set out in the Technical housing standards – nationally described space standard.

M4(3)(2)(a) 'wheelchair adaptable' standard homes: Plots 11-13, 17, 18, 21,22, 59 & 60

M4(2) 'accessible and adaptable' standard homes: Plots 40, 45, 46, 57 & 58 [Officer note: This layout complies with requirements of condition 5 on the outline permission]

Site area: 3.5 hectares

Density: 27 dwellings per hectare

Density excluding landscape buffers and open space: 33 dwellings per hectare

Allocated parking spaces: 160

Visitor parking spaces: 1 in a bay, and in addition the applicant has indicated that there are a number of areas on-street suitable for visitor parking along the primary and secondary streets - 19 of these spaces are detailed on the parking plan

Garage parking spaces: 25 (not included in allocated parking spaces)

Separate secure cycle storage provided for the flats and within sheds/garages for dwellings on plot

The application proposes a number of 2 storey dwellings inclusive of detached, semi-detached and terraces; as well as 4 blocks of flats also 2 storeys in height. The application proposes a Local Equipped Area of Play (LEAP) for children's play space, a central area of amenity green space and overlooked, green landscape buffers to the east and west.

### Relevant planning history.

#### On site:

Reference:	Description:	Decision Summary:	Appeal:
22/N/00117	Non material amendment to planning application 18/P/02308 approved 18/02/2020 to change the description of the approved outline planning proposal.	Approved 19/01/2023	N/A

The description of the development approved under planning application ref: 18/P/02308 is: Outline application for development of 100 dwellings (including 40 affordable homes) with access to be determined, with associated garages, parking, open space, landscaping and play areas (layout, scale, appearance and landscape to form the reserved matters).

This NMA changed the description of development of the planning permission to the following: Outline application for development of **up to** 100 dwellings (including **up to** 40 affordable homes) with access to be determined, with associated garages, parking, open space, landscaping and play areas (layout, scale, appearance and landscape to form the reserved matters).

Reference:	Description:	Decision Summary:	Appeal:
22/N/00033	Non-material amendment to planning application 18/P/02308 approved 18/02/2020 to vary condition 14 on the approved planning permission.	Approved 28/07/2022	N/A

Condition 14 on 18/P/02308 now reads:

14. Prior to first occupation, the following package of measures shall be implemented at the applicant's expense through a S278 Agreement, and in accordance with the agreed plans specified:

- i) A 2m footway shall be provided on the southern side of Foreman Road from the site access towards The Croft in accordance with Drawing Ref: SO136-PLN-003 Rev A as approved under 20/D/00099/4.
- ii) High Friction Surfacing shall be implemented on Foreman Road on the approach to the site access in accordance with Drawing Ref: SO136-PLN-003 Rev A as approved under 20/D/00099/4.
- iii) The speed limit shall be reduced from 40mph to 30mph with associated speed reduction measures, subject to TRO approval, in accordance with Drawing Ref: SO136-PLN-003 Rev A as approved under 20/D/00099/4.
- iv) A 1.5m footway shall be provided from the site access to Foreman Road in accordance with works as approved under 21/P/01166, drawing Refs: SO136-PLN-001, SO136-PLN-002 and A294-AGR-111 P3 and in accordance with Drawing Ref: SO136-PLN-003 Rev A as approved under 20/D/00099/4, unless alternative pedestrian access is submitted to and approved in writing by the Local Planning Authority.

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

This non material amendment application has amended the approved footpath which is required between the application site and Forman Road, from a footpath solely on the north side of Ash Green Road, to one that is on both the north and south side of Ash Green Road, considerably lessening the impact on existing hedgerow and trees along this boundary. The route was very carefully considered by the County Highway Authority, the Local Planning Authority and a local resident group to be the best route achievable within the constraints. The amended footpath is subject to the grant of planning permission 21/P/01166 (see below history on adjacent sites).

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
18/P/02308/ S106/1	Deed of Variation to the Section 106 dated 18/02/2020 to vary the arrangements for delivery of the SANG to mitigate the impact of the development permitted by the planning permission 18/P/02308.	Approve 12/11/2020	N/A
18/P/02308	Outline application for development of 100 dwellings (including 40 affordable homes) with access to be determined, with associated garages, parking, open space, landscaping and play areas (layout, scale, appearance and landscape to form the reserved matters).	Approve 18/02/2020	N/A

Adjacent sites:

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
Ash Green Road (footpath application)			
21/P/01166	Alterations to and creation of a new footpath along Ash Green Road, Ash, GU12 6JH	Approve 15/10/2021	N/A
Ash Manor:			
20/P/01461	Erection of 69 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, on site open space, landscape and ecology management and, servicing.	Non-determination	Appeal Dismissed 10/05/2022

**Consultations.**

A summary of all the responses on the amended scheme is contained below. This is not a verbatim report and full copies of all representations received are available on the electronic planning file, which is available to view online.

*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, recommends conditions relating to space for parking and turning and electric vehicle charging as well as a number of informatives. [Officer note: Conditions covering these points are on the outline permission, and have therefore already been secured].

Surrey County Council are satisfied with the width of the road for the proposed number of dwellings. The access onto Ash Green Road is acceptable for the number of dwellings proposed. Our design guidance suggests an access width of 4.8m up to 100 dwellings, with a radius of 4.5m. The access is 5.5m where it meets Ash Green Road and has a radius of 6m. Although the width reduces to 4.7m for a section, this is acceptable as there is sufficient forward visibility if two larger vehicles were to meet. Manual for Streets does say that carriageway widths can be reduced to act as traffic calming feature. A width of 4.8m allows for one large vehicle (refuse/delivery van) and a car to pass.

The developer has already approached Surrey County Council (SCC) regarding the internal layout and adoption of the spine road, discussions will continue through the S38 agreement process. SCC are satisfied with the alignment of the spine road, the speed controlling bend near dwelling 28 will reduce speeds at this point, there is sufficient visibility within proposed highway based on perceived speeds of vehicles. The shared surface near the community space will require a raised table and kerbs with some upstand to delineate where pedestrians can safely walk through the site. This detail will come out during the S38 technical approval process. The off-street parking provision for the dwellings is satisfactory and in accordance with standards.

However, the indicative visitor parking spaces should be removed from the plan, we have therefore conditioned this plan to be submitted prior to occupation. All other conditions and S106 contributions shall be carried forward from 18/P/02308.

Natural England: No objection, subject to SANG being secured. [Officer note: This was secured through the outline permission]

Historic England: Historic England considers that the scheme will cause some harm to designated heritage assets, and advises that paragraphs 190, 194 and 196 of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits of the proposal outweigh what we assess to be less-than-substantial harm.

In determining this application you should bear in mind the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Thames Water: Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Informatives recommended regarding existing public sewers crossing the site.

Lead Local Flood Authority (SCC): No objection. Informatives recommended regarding the Ordinary Water Course.

We are satisfied that the proposed drainage scheme meets the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems.

The Applicant has addressed the comments from our letter dated 23/03/2022 reference LLFA-GU-21-0608 RevA. A buffer has been included along the western boundary to the existing Ordinary Watercourse and a swale has been included. Currently no surface water is indicated entering the swale, full details must be submitted at the detailed design stage.

The surface water drainage for this site will be dealt with under a separate discharge of planning conditions application.

Network Rail: No objections. Due to the proximity of the development to the rail, we request the applicant or developer engage with our Asset Protection and Optimisation (ASPRO) team prior to commencing works. Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway.

#### *Non-statutory consultees*

Designing Out Crime Officer Surrey Police: The change in landscape design has addressed my concerns around the unobserved landscaping corridors around the edge of the development.

Surrey Wildlife Trust: The applicant has submitted a Biodiversity and Ecology Enhancement Plan (BEEP), prepared by a suitably qualified ecologist, which outlines the general biodiversity enhancements proposed for the site. Section 4.4 of the BEEP states that “the proposed development aims to retain and enhance existing habitats and maintain the connective features of the Site to the wider landscape”.

The NPPF (2021) states that "Planning policies and decisions should contribute to and enhance the natural and local environment by.....minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

We cannot advise the LPA on whether the project will provide measurable net gains for biodiversity due to the absence of a biodiversity net gain metric calculation and biodiversity net gain plan. However, having reviewed the BEEP, we would advise the LPA that "the proposals for retaining and enhancing existing habitats" would likely have benefits for ecology if habitats are created, maintained, and managed appropriately, in line with a Landscape and Ecology Management Plan (LEMP). This document should include a reptile mitigation strategy. Additional condition recommendations in relation to protection of badger and bats.

#### *Internal consultees*

Housing Strategy and Enabling Manager: A broadly policy-compliant affordable housing contribution at 40% has been offered, with the appropriate split between affordable rented (26 units) and other affordable intermediate homes (11 units).

Whilst broadly compliant, there is a deficit in 2-bedroom units for affordable rent, with a higher proportion of 1-bedroom units for affordable rent and other less significant variations from the overall SHMA requirements. However, the affordable housing offered as broadly compliant with the policy requirement should be secured within the terms of a legally binding Section 106 agreement, which makes adequate provision for homes at or close to Social Rent as described within the NPPF definitions (Affordable housing for rent – as above), with suitable safeguards in place to ensure the affordable housing units are provided in perpetuity at the development, appropriately managed by a suitable Registered Provider. [Officer note: Affordable housing was secured through the outline permission]

Environmental Health: No objection. Conditions recommended in relation to unsuspected contaminated land, noise from the railway and working hours. Informatives recommended in relation to air quality and good working practices.

Waste and Recycling: Some objections raised:

- The bin collection point near plots 8-10 is adequate and we would be using the shared surface area near these plots to turn, not outside plot 90 as the swept path suggests. If the southern access opens up into an approved development we would no longer reverse in this area and would service it from the main roadway.
- We would not be reversing into to service plots 90 and 91, as the swept path suggests, we would expect bins to be presented at the main roadway.
- The collection points opposite plot 32 should be moved closure to the main roadway, as when future development is completed we would not want to reverse into this section. However, I will not raise an objection on this point as we will need to use this space to turn for the scope of this application. I am disappointed to see the new or existing tracking does not show a vehicle movement here.
- Plots 52 and 53 will need to present up along the shared surface that provides the properties with vehicular access without blocking the cycle path. We will not be undertaking any reversing movements here.
- Plots 17-22 will need a bin collection point at the main roadway. Planning a reverse near a shared surface intersection is not something I'm comfortable with, especially when there is no tracking for this movement.
- There is a turning area between plots 81 and 82 so we service plots 80-85. There is no tracking for this movement or entering this part of the development at all, even when



reviewing the Swept Path Analysis Proposed Site Layout uploaded on 3 August 2022. In the absence of tracking I also have concerns that there is a marked visitor parking space in the turning area. I have to raise objection on this issue.

- The reverse for plots 35-38 could prove dangerous. The tracking shows us occupying both sides of the road when reversing into and exiting from the car park and bin store area. While this is near a turn in the road, and has us reversing over a planned cycle path, I view this as wholly unacceptable and I have to raise a further objection on this issue. We will need a presentation point, separate from the cycle path, nearer the main roadway. A bin store on the left side of this building, accessible from the roadway would likely be the best solution.

The last two bullet points raise objections but I must give special attention to the last. If this application is approved we can deal with changing the houses presentation points via Section 46 Notices (Environmental Protection Act 1990) but question is the design is appropriate is enforced presentation points are needed immediately.

We would ask that a planning condition is included to ensure we are not expected to breach our maximum 5m crew drag distance while also ensuring we are not reversing near intersections, bends in the road or over cycle routes. This must be addressed and formalised prior to occupation and should be should be approved by the local planning authority and the waste collection authority.

Waste and Recycling follow up comments: The additional information submitted on 19/01/2023 overcomes the two objection points. A minor change needs to be made to overcome the concerns, like the store at plots 35-38, the requirement for a refuse strategy via condition would be appropriate. [Officer comment: The information submitted by the applicant on 19/01/2023 demonstrates that appropriate refuse collection is possible with the layout as currently proposed. A condition is recommended that notwithstanding the submitted refuse strategy, a new refuse strategy should be submitted to, and approved in writing by the LPA]

Arboricultural Officer: No objection. I have now had the opportunity to review the revised scheme and in principle support the new layout subject. Conditions recommended relating to conformity with the Arboricultural Method Statement.

- All trees are located on the four boundaries and can be adequately protected during development of the site
- The strip of woodland on the eastern side (outside red line) is identified as 'ancient woodland' and is protected in accordance with the Forestry Commission and Natural England standing advice – a minimum 15 metre ecological buffer zone is proposed.

Conservation Officer: Less-than-substantial harm has been identified to the heritage assets of the Ash Manor complex, both individually and collectively. In terms of the harm arising solely from the proposed development, this is judged to be at the lower end of the spectrum, whilst cumulative harm is slightly higher, rising to the lower end of mid-range.

With less-than-substantial harm being identified I therefore advise that paragraph 202 of the NPPF will need to be engaged.

Urban Designer: In summary the amended scheme responds positively to the urban design comments and discussions. Further work is required to understand how the railway buffer would be secured and maintained. Further amendments are also requested to benefit the overall appearance and character of the scheme in relation to materials, on street parking, fencing design details and landscaping. [Officer comment: Where possible, these requested amendments are addressed by a number of conditions]

*Parish Councils*

Ash Parish Council: Objection.

1. Properties potentially overlooking Juniper Cottage
2. Garages/Parking located to rear of properties possible source of anti-social behaviour
3. Concern about the lack of sufficient parking on local adjoining roads for any potential overflow parking from development
4. Two entrances required for development of this size but only one included in plans leading onto a dangerous curve. Access via the proposed adjacent development at Ash Manor not certain.
5. Potential for flooding Is the drainage proposed appropriate for the design layout of the site
6. 1 five bedroom property is proposed. There is a requirement for smaller dwellings in the area
7. Urban design officer to be consulted on the new plans. [Officer comment: Comments have now been received from the Urban Designer on the latest amendments]

Normandy Parish Council: The Council objects in relation to highway safety and traffic generation.

*Amenity groups/Residents associations*

Ash Green Residents Association: AGRA wish to record their objections to the above planning application on the following grounds:

- Infrastructure

The infrastructure required to support development is not available and will not be available at the time of first need. This is due to unspent S106 contributions on infrastructure projects, and infrastructure outlined in the Local Plan: Strategy and Sites not being delivered.

[Officer note: This is a reserved matters application, where planning permission for up to 100 units exists. Contributions towards infrastructure provision were secured by way of planning obligation prior to the grant of outline planning permission. All issues relating to infrastructure detailed in the AGRA objection are matters of principle, and do not concern matters which are the subject of this application (appearance, landscaping, layout and scale).]

- Transport

Given that the primary route from the adjoining site to the south of Ash Manor does not and may not ever exist, and that the Ash Green Road junction is insufficient for anything more than 5 houses, this application for 97 houses is too great a volume for the junction and should therefore be refused.

Insufficient assessment of the access at outline stage.

The access road from Ash Green Road is insufficient in size to be the sole access into the site in relation to the number of units served, especially with the narrow 5.5 meter entrance at Ash Green Road. Neither this application nor the outline application have demonstrated that the junction with Ash Green Road can support the additional volume of traffic produced by 97 houses. The application should be refused on the grounds of highway safety until such time as the primary access (through an anticipated link from Ash Road Bridge and through to the adjacent Ash Manor site) is provided

[Officer note: The Transport Assessment submitted with the Outline application did assess transport impacts with the access located on Ash Green Road. Matters of access were considered and approved at the time that outline permission was granted, and cannot be revisited as part of this application for reserved matters. The outline application was assessed by SCC in relation to access to the site, inclusive of the option that the Ash Green Road site access remained the only site access. The S106 on the outline permission only requires the closure of the access from Ash Green Road (except in relation to access 7 dwellings) if, and when, the Ash Road Bridge and related link roads have been constructed, and rights of access over them have been conveyed. Neither the bridge or the link roads have been constructed, although the scheme does provide future connections to both (in accordance with the conditions on the outline permission). Therefore the layout now applied for is in accordance with the restrictions placed on the outline permission in this regard. Furthermore, the County Highways Authority do not object to the application and, have stated for the avoidance of doubt that the road widths proposed are acceptable for the number of units proposed]

- Sustainability

The site does not offer any realistic options of travel other than the car, therefore the site is unsustainable. Access to both GP surgeries and schools would also require a car.

The width of the internal roads will not accommodate buses.

[Officer note: The matters raised concern the accessibility of the site in principle, which was a matter assessed through the outline permission and cannot be revisited as part of this application. The issue of the widths of the internal roads is addressed in on the section of the officer report on site highway/parking consideration below]

- Drainage

The applicant has stated that their submitted drainage scheme will not work.

Thames Water have provided a no objection response, which is different to the response for the adjacent scheme at land south of Ash Manor.

[Officer comment: Drainage is not for consideration as part of this Reserved Matters application. Separate conditions covering the drainage are imposed on the outline permission. Thames Water have been approached regarding an anomaly in the site address on a previous response. This has been rectified within the latest response received from them on 28/10/2022]

- Heritage

The heritage constraints around this area are well known to AGRA and to the council. The application is within the setting of Ash Manor and earlier amendments have resulted from consideration of the heritage assets. The buffer zone between the development and the historic buildings should be increased.

The removal of the access to the Ash Manor site is strongly supported by AGRA as a road would cause harm to the setting of all the listed buildings in the complex. Without an access road the site becomes unsustainable, and should also be refused on heritage grounds.

[Officer comment: The existing outline permission requires an access to be provided between the site to the south and the site to the north west. The reserved matters application must proceed in accordance with the outline. This matter was assessed through the outline permission and cannot be revisited under this application. The issue of impact on the heritage assets as a result

of the matters relevant to this application (application (appearance, landscaping, layout and scale) are considered below. ]

- Buffer Zone

Policy A31 (6) requires a buffer zone to prevent the coalescence of Ash Green with Ash. It also requires sensitive design at site boundaries so as to respect the transition between rural and urban landscapes. May and Juniper Cottages are sited in Ash Green Road, which is defined in the Local Plan as being within Ash Green. Therefore, there must be a suitable buffer zone between those houses and any development. This application, as for the failed Ash Manor one, has an insufficient buffer zone.

[Officer note: This comment is addressed in the layout section of the officer report below]

### **Third party comments**

32 objections have been received and a summary of all these responses is contained below. This is not a verbatim report and full copies of all representations received are available on the electronic planning file, which is available to view online.

- Access onto Ash Green Road for up to 100 vehicles is unsafe and inappropriate, where Ash Green Road and the adjacent Harpers Road could not accommodate more traffic [Officer note: The site already has planning permission for 100 units under the outline permission, and this matter cannot be revisited]
- Ash Green Road is too narrow
- Insufficient sight line from the now only site entrance
- The application does not support active travel
- Problems with construction traffic [Officer note: The site already has planning permission for 100 units under the outline permission, and this matter cannot be revisited. Condition 16 on the outline permission requires the submission of a Construction Transport Management Plan and Condition 20 on the outline approved the Travel Plan submitted at outline stage]
- Permission should only now be granted for the 5 homes which will access the site from Ash Green Road and not the full 93 as proposed
- No pedestrian footpaths linking the site to anything else [Officer note: The outline permission secured a new pedestrian footpath from the site connecting with the existing footpath on Forman Road]
- The application should not be approved unless the proposed path down the North side of Ash Green Road is replaced by the agreed path down the South side of the road [Officer note: 22/N/00033 has replaced the previously approved footpath proposal with the agreed alternative on both the north and south side of Ash Green Road]
- Insufficient buffer to Ash Green Road, contrary to A31 policy requirement
- Number of houses proposed is excessive, out of keeping with Ash Green
- Design of houses not in keeping with others on Ash Green Road negatively impacting the street scene of this country road
- Detrimental to the rural character of the area
- Density too great
- No design statement has been made with the proposal being a normal housing estate
- Harm to the setting of Ash Manor, a Grade II\* asset, and the Grade II assets Ash Manor Oast, The Oast House and Oak Barn
- Impact on neighbouring amenity - loss of natural light, no green buffer in between May and Juniper Cottages and the new houses, loss of privacy, overlooking and noise and disruption
- Materially alters the village community
- Negative impact on ecology
- Hedgerow and established trees will be removed causing a loss of wildlife habitat

- Negative impact on the Ancient Woodland next door
- The SuDS scheme required for the site by the LPA has been found by Bloor Homes to not be viable
- The drainage strategy is paramount given the relationship of this site and its other direct neighbours to the heritage assets nearby [Officer note: This is a reserved matters application, where drainage of the site was agreed at outline stage and is secured by condition]
- There has been significant building of new homes in the area and the existing infrastructure - schools, healthcare and policing already too stretched, no additional bus services
- Potential for increased crime, in an area where antisocial behaviour has been a problem [Officer note: This is a reserved matters application, where planning permission for up to 100 units exists. Infrastructure was dealt with through the outline, and cannot be revisited now]
- GBC is delivering more houses than needed each year
- "Future Homes Standard" due in 2025 which has a much tougher target for carbon reduction than is proposed

### **Planning policies.**

#### National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 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 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.

Policy S1: Presumption in favour of sustainable development

Policy P4: Flooding, flood risk and groundwater protection zones

Policy D1: Place shaping

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

Policy D3: Historic environment

Policy ID4: Green and blue infrastructure

Policy A31: Land to the south and east of Ash and Tongham

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

G1 General standards of development

G5 Design code

HE4 New development which affects the setting of a listed building

NE5 Development affecting trees, hedges and woodlands

R2 Recreational open space provision in relation to large new residential developments

Planning Practice Guidance

National Design Guide

Supplementary planning documents:

Surrey County Council Vehicular and Cycle Parking Guidance 2021

Strategic Development Framework SPD 2020

Residential Design Guide SPG 2004

Guidance on the storage and collection of household waste for new developments 2017

**Emerging Policies.**

Guildford Borough (Submission) Local Plan: Development Management Policies (June 2022):

The National Planning Policy Framework provides the following advice at paragraph 48, 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies / parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report. Where relevant, the weight for individual policies will be set out in the main body of the report.

Policy P6/P7: Biodiversity in new developments

Policy P8/P9: Protecting Important Habitats and Species

Policy D4: Achieving high quality design and respecting local distinctiveness

Policy D5: Protection of amenity and provision of amenity space

Policy D5a: External servicing features and stores

Policy D8: Public realm

Policy D10: Noise impacts

Policy D10a: Light impacts and dark skies

Policy D16: Designated heritage assets

Policy D17: Listed buildings

Policy ID6: Open space in new developments

Policy ID11: Parking standards

Guildford Borough Council – Draft Parking SPD 2022:

The Parking SPD contains the numerical parking standards for non-strategic sites, alongside further guidance in relation to the application of the parking standards themselves and design guidance. The numerical parking standards themselves are not dissimilar to those in the SCC vehicular, electric vehicle and cycle parking guidance for new developments but have been benchmarked against observed car availability levels across the various geographies of Guildford Borough.

The draft Parking SPD has been thorough consultation, and is intended to be adopted at the same time as the LPDMP. As a generality, it is considered that the Parking SPD, which hangs off Policy ID11 (and also Policy ID3 of the LPSS), should be given 'considerable' weight prior to its adoption.

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the layout of the development
- the scale and appearance of the buildings
- open space and landscaping
- on site highway/parking considerations
- housing mix
- living environment for future occupiers
- the impact on trees
- biodiversity and ecological enhancement plan
- the impact on nearby heritage assets
- the impact on character of the area
- the impact on residential amenity
- other matters for clarification

**The principle of development**

This is a reserved matters application seeking approval for appearance, landscaping, layout and scale following the grant of outline planning permission (inclusive of access) in 2020. Therefore the principle of the development has been fully established. Matters of access, site sustainability and required infrastructure were approved at outline stage and are not to be considered again as part of this application. The principle of the development of the site for up to 100 homes is also not to be revisited as part of this application.

It is not open to a local authority to deny the approval of reserved matters submitted within the validity period of an outline permission, so as to, in effect, revoke the permission. The grant of outline permission constitutes commitment by the planning authority to the principle of the development, and disentitles them from refusing approval of a reserved matters on grounds going to the principle of the development. PPG advice on the award of costs, explains at para.049 that a planning authority may be at risk of an award where it refuses to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.

In addition to a number of conditions relating to access to the site, there are also a number of other conditions on the outline permission which have dealt with other matters of principle which require:

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- full details of the children's play space (LEAP)
- foul water drainage strategy
- surface water drainage strategy
- sustainability measures of individual homes
- water efficiency
- site levels and finished floor levels
- a Construction Transport Management Plan
- a scheme for parking and turning of vehicles
- a scheme for electric vehicle charging points
- a Travel Plan
- a programme of archaeological work in accordance with a Written Scheme of Investigation

These matters are not for consideration as part of this application. The assessment of details submitted under planning conditions are dealt with under delegated authority.

The outline application was also subject to a planning obligation which secured:

- affordable housing
- appropriate SANG mitigation and contributions towards SAMM
- a recreational open space contribution
- a healthcare contribution
- an education contribution
- highways improvements
- a footbridge contribution
- a public art contribution
- a road bridge scheme contribution
- restriction on the access onto Ash Green Road following

There is no requirement for a legal agreement for this reserved matters application.

The relevant considerations in respect of this application are whether the layout, scale, appearance and landscaping of the development is acceptable in planning terms. These aspects of the proposal will be assessed below.

### **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 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 that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and



- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The National Design Guide also provides useful information on how to design scheme which take into account context, identity, the built form and public spaces etc.

Policy D1 of the LPSS makes clear that new development will be required to achieve a high quality design that responds to the distinctive local character of the area in which it is set. The design criterion set out in policy G5 of the saved Local Plan are also relevant.

Policy D4 of the LPDMP is also relevant and it provides further detailed design guidance. Amongst other things, it notes that development proposals are required to incorporate high quality design which should contribute to local distinctiveness by demonstrating a clear understanding of the place. Development proposals should respond positively to:

- a. the history of a place;
- b. significant views (to and from);
- c. surrounding context;
- d. built and natural features of interest;
- e. prevailing character;
- f. landscape; and
- g. topography.

Policy D4 goes on to note that development proposals are expected to demonstrate high quality design at the earliest stages of the design process, and then through the evolution of the scheme, including in relation to:

- a) layout - settlement pattern of roads, paths, spaces and buildings, urban grain, plot sizes, building patterns, rhythms and lines
- b) form and scale of buildings and spaces - height, bulk, massing, proportions, profile and roofscapes
- c) appearance
- d) landscape - landform and drainage, hard landscape and soft landscape
- e) materials
- f) detailing

Development proposals are also required to reflect appropriate residential densities that are demonstrated to result from a design-led approach taking into account factors including: a) the site size, characteristics and location; b) the urban grain of the area and appropriate building forms, heights and sizes for the site; and c) the context and local character of the area. Development proposals are expected to make efficient use of land and increased densities may be appropriate if it would not have a detrimental impact on an area's prevailing character and setting.

Policy A31 covers the site allocation, and within this policy there are a number of points which cover issues relating to layout, scale and appearance. These are:

(6) Development proposals in the vicinity of Ash Green to have recognition of the historic location of Ash Green village. The properties along Ash Green Road form part of Ash Green village. Proposals for the land west of this road must respect the historical context of this area by preventing the coalescence of Ash, Tongham and Ash Green. Any development as a whole will not be of a size and scale that would detract from the character of the rural landscape. This must

include the provision of a green buffer that maintains separation between any proposed new development and the properties fronting onto Ash Green Road. This will also help soften the edges of the strategic development location and provide a transition between the built up area and the countryside beyond

(7) Sensitive design at site boundaries that has regard to the transition from urban to rural

(8) Sensitive design at site boundaries with the adjacent complex of listed buildings at Ash Manor. Views to and from this heritage asset, including their approach from White Lane, must be protected

A further material consideration of relevance is the Strategic Development Framework SPD which sets out a vision and a number of design objectives for this part of the A31 allocation (between Ash train station and Harpers Lane, either side of the railway line). Pages 136 - 153 of this document are relevant to this application, setting out a number of considerations around design, accessibility and movement, green infrastructure and character including a number of illustrative plans providing an example of how development could come forward.

The applicant has submitted a Design and Access Statement - May 2021, a Design Response Document - December 2021 and a Design Response Document addendum - August 2022. These detail the design evolution of the scheme and review the immediate and local context in detail, provide site and contextual analysis, and describe how the amendments have been designed to take into consideration the Ash Manor complex and urban design comments as well as the Strategic Development Framework for Ash and Tongham.

It is acknowledged that a detailed study has been undertaken to understand the local built and natural environment to inform the revised scheme. The key constraints and opportunities of the site identified in the submission are the identifiable determinants of the layout, alongside the requirements coming from relevant Local Plan policies.

### Layout

#### *- Western boundary*

The layout has been designed to provide breathing space to the nearby heritage assets in the Ash Manor complex, by locating an area of open space in the south west corner of the site, and providing a landscaped buffer along the western boundary of the development ensuring built form does not come too close to the boundary. In the submission documents, the architect has suggested the layout has been formed in this way, around an area of open space to suggest a rural edge. The western buffer has a width of between 12 - 19 metres from the boundary to the dwellings. It is a multi functional space, as in addition to providing an offset to the boundary nearest to Ash Manor in accordance with point 8 of policy A31, it also provides pedestrian connectivity around the site in the form of a paved footpath, space for additional landscaping serving an ecological function and the opportunity for a swale for surface water drainage.

The layout of the dwellings along this boundary has allowed for defensible frontages and passive surveillance. The frontages to plots 1, 5, 6, 19, 20, 31, 32, 33 overlook the space. This will provide a good level of passive visual surveillance.

This design response is considered to be positive, relating to the context and will allow the buffer to function as public open space and a useable and attractive pedestrian link.

The site layout provides for a connection onto the adjoining site to the north west, as required by condition and the Strategic Development Framework SPD. The position of this access has been agreed under condition 6 of the outline, and is not for consideration under this reserved matters application. The submitted layout ensures the development is in accordance with the Strategic Development Framework SPD which requires connectivity between sites.

*- Eastern boundary*

The application proposes a 15-metre buffer from the ancient woodland to the east of the site. Development fronts onto this boundary ensuring it is overlooked. It is beneficial that an access road borders the buffer zone rather than gardens of the properties, which reduces the possibility of fly-tipping and anti-social behaviour. The boundary treatment plan indicates the erection of a 1.2m timber cleft fence, separating the buffer zone from the rest of the proposed development which is considered an appropriate response. Within the buffer zone, meadow wildflower and tussock grassland seeding is proposed, along with shrub and tree planting.

The response to the Ancient Woodland boundary is considered to work well, and will provide an attractive soft edge to the development responding well to the context, towards the edge of the urban area in compliance with point 7 of policy A31.

*- Northern boundary*

Along the boundary with the railway line to the north of the site, the applicant is proposing housing backing onto this boundary with a landscape buffer to the rear of the gardens of the properties. In principle, the approach of backing housing onto the railway is considered an acceptable and appropriate design response. However this landscape buffer is not considered to be resolved from a design perspective, where the submitted boundary treatment plan is confusing along the boundary with the railway line. To ensure resolution of this matter and adequate definition of public/private space a condition will be added requiring an amended boundary treatment plan is submitted and agreed, prior to first occupation.

The constraint of noise from the railway line has been considered by the applicant in relation to layout, where acoustic fencing will be utilised. Environmental Health have recommended a condition to ensure the proposal meets the relevant guidelines on noise for residential development.

*- Southern boundary*

The proposed layout is now responding positively to the context along the southern boundary, ensuring the development integrates well with the existing adjacent properties of May and Juniper Cottages. Plots 92 and 93 would form a 'perimeter block' and a defensible rear boundary with these two adjacent properties, and plots 80 - 85 would continue the building line of May and Juniper Cottages, which is an appropriate and logical response. In addition to May and Juniper Cottages, there is also Greenlands and Little Orchard on the other side of Ash Green Road around the location of the access. Both these dwellings are set away from Ash Green Road, with an element of landscaping in front. Therefore the addition of an additional 7 dwellings facing Ash Green Road behind a landscape buffer on the application site is not particularly out of character in this location and would not have a detrimental impact on the character of Ash Green Road.

Point 6 of policy A31, referenced above, is of particular relevance to the development in relation to its boundary with Ash Green Road. The Inspector's decision relating to the Ash Manor application discusses the buffer zone. Specifically, in para 36 of the decision she states "It therefore seems to me that the purpose is for a green buffer to be provided that would be sufficient as a landscape feature to provide a visual break between the proposed development

area and the houses along the southern side of Ash Green Road.”

Plots 51 and 80-85 stand between 15 and 25 metres from Ash Green Road. Plots 80-85 front onto a minor access road, parallel to Ash Green Road, therefore have a separation from Ash Green Road itself. The area of land to the front of plots 80-85 contains a green landscaped area between 6 - 12 metres, giving space for existing high quality mature trees and space for additional landscaping. It is considered that the layout proposed does provide a green buffer between the development and the existing properties along the southern side of Ash Green Road in accordance with this policy requirement.

There is a clear difference between the application in this regard and the dismissed appeal scheme at the land surrounding the adjacent Ash Manor (ref. 20/P/01461). The fact that the proposed dwellings are fronting an area of overlooked, green space of significant depth which is supplemented by landscaping is a different scenario to dwellings backing onto a buffer as was the case in the failed appeal. Another relevant difference between the two applications is how the existing dwellings on Ash Green Road differ as you move up the road. There are two dwellings opposite the site access - Little Orchard and Greenlands. These two properties are set back from the road, with intersecting hedgerow and trees. This situation effectively adds to the green buffer, with a more rural existing response to Ash Green Road than further south opposite the failed appeal scheme where properties are closer to the road. There is also a gap between Little Orchard and Greenlands and the next development you come to as you move south along Ash Green Road of approximately 60 metres, which provides a further break to the almost continuous built form further south, which is also in close proximity to the road. In addition, another difference between the failed appeal and this application is what is shown in the illustrative plans of the Strategic Development Framework SPD. These plans are only illustrative, however they show an area of open space adjacent to Ash Green Road along the boundary with the neighbouring site (the Ash Manor site), this area of open space does not stretch to the area that abuts Ash Green Road in this application site. The SPD therefore made a distinction between the application site and its neighbour.

The site layout provides for a connection onto the adjoining site to the south west, as required by condition. The position of this access has been agreed under condition 6 of the outline, and is not for consideration under this reserved matters application. The submitted layout ensures the development is in accordance with the Strategic Development Framework SPD which requires connectivity between sites.

*- Community Green and surrounds*

The application now proposes a central area of open space designed for a leisure use and a meeting place. This area of open space is well located for the use of residents, and is of a size and design that will facilitate this aim. The central open space provides a green focal point for the development, having a positive impact on the visual amenity of the site.

*- General layout considerations*

The scheme comprises residential development parcels to either side of a primary vehicle route. The overall urban form broadly follows the principles of perimeter blocks, which ensures dwellings front onto streets and open space. The vehicle route would connect adjacent allocated land areas to the south and to the north-east of the site. A pedestrian/ cycle link and vehicle access is also proposed from Ash Green Road in accordance with the intentions of the Strategic Development Framework SPD. The intention is that the Ash Green Road vehicle access would be stopped up when alternative access is available from the allocated site to the south and on completion of the road bridge.

The dwellings would have adequate spacing between them ensuring the proposal does not appear cramped or overdevelopment. The application proposes a number of different dwelling types inclusive of detached, semi-detached and terraced housing as well as a number of flats providing variety and interest. The density achieved is considered to be acceptable, making an efficient use of land whilst taking into consideration all of the identified constraints of the site.

Open space and Green Infrastructure includes a 'buffer' to the Ancient Woodland; a 'buffer' to the adjacent railway; a narrow 'buffer' to the western boundary hedgerow; open space with a play area in the site's south-western corner; and a central community space within the scheme. The proposal provides good cycle and pedestrian connectivity in accordance with the Strategic Development Framework SPD, where direct routes to the train station and other facilities have been provided which would safeguard this potential as and when adjacent sites in the allocation come forward.

The Surrey Police Designing Out Crime Officer has raised no objection to the amended scheme, the applicant having addressed previous issues associated with the initial design which was inward facing and caused issues in relation to corridors of unsurveyed open space.

### Scale and appearance

The application proposes a number of design responses across different areas of the site. The following is set out in the design submissions of the applicant:

#### *- Southern open space*

The buildings are designed as cottages and utilitarian buildings to evoke a farmstead character and materials will reflect Ash Manor buildings. New trees, hedges and timber cleft fencing will further evoke the character of Ash Manor barn and associated buildings.

- Cottage and utilitarian character
- Small pane casement windows with splayed brick headers
- Dark window frames and fascias
- Lean-to and flat top entrance canopy
- Red/orange brick
- Terracotta tile hanging and black weatherboarding to first floor
- Chimneys to key plots and plot series

#### *- Community green and internal streets and edges*

The houses will reflect the cottage character of houses within Ash Green and nearby farms together with an Arts and Craft influence. Formal hedge planting and timber picket fencing to plot boundaries.

- Cottage character and Arts and Craft design influence
- Small pane casement windows horizontal headers
- Bay windows to larger houses
- Gabled and flat top entrance canopy
- Red/orange and blended brick
- Terracotta tile hanging first floor and projecting gables
- Chimneys to key plots and plot series

*- Ash Green Road*

The houses facing Ash Green Road are influenced by both the form of May and Juniper cottages and the taller existing villas on Ash Green Road south-east of the site. Plots 80-83 are designed to reflect the existing cottages, whereas plots 84-51 are designed with roof forms and window fenestration to reflect the established character and roofscape of the existing villas.

- Cottage character and detached villas
- Small pane casement windows to cottages
- Taller vertical sash style to villas
- Bay windows to larger houses
- Flat/rounded top entrance canopy
- Lean-to canopy and roof and bay window combination
- Red/orange and blended brick
- Painted brick to one villa
- Chimneys to key plots

In terms of the architectural strategy, the proposed dwellings are of simple design very common from mass housebuilders, with a subtle diversity among the different house types in the different areas of the site bringing interest whilst remaining harmonious. All properties are two storeys in height to reflect the sites location near the outer edges of the A31 allocation and urban area and the existing surrounding development. The dwellings would range in height, with the tallest standing at approximately 9.2m, which is not deemed to be excessive.

A wide variety of materials are proposed including brick, tile hanging, render, painted brick and weatherboarding. A number of boundary treatments are also proposed inclusive of brick walls, close boarded fencing, cleft fencing and hedges. To ensure a high quality finish to the development, notwithstanding the submitted materials and boundary treatment plan (where there remain a few minor concerns with finishes currently proposed), conditions are recommended to secure both materials and boundary treatments.

The street scenes created are considered to be acceptable, and will be further improved upon with updates to materials and boundary treatment plans secured via condition. The Principal Urban Design Officer raises no objection to the scheme proposed, and considers the amendments have addressed the concerns raised. Therefore, the proposals are in accordance with policies A31 and D1 of the Local Plan 2019, policy D4 of the Guildford Borough (Submission) Local Plan: Development Management Policies, the principles contained in the Strategic Development Framework SPD and the NPPF.

**Open space and landscaping**

In accordance with the existing and emerging planning policy (policies R2 from the 2003 Local Plan and ID6 from the Development Management Policies), a certain amount of open space is required per 1,000 population. In accordance with policy R2 the application site would have an estimated population of 233 based on 2.5 persons per household. In accordance with the policy, the following therefore needs to be provided on site:

- 0.19 hectare of children's play space
- 0.09 hectares of amenity space

It is acknowledged that policy ID6 (considerable weight) of the LPDMP also deals with the provision of on-site open space. It is noted that the policy ID6 requirements split the open space required down into further categories compared to saved policy R2, and has a slightly different method for calculating the estimated population. In accordance with emerging policy ID6 the application site would have an estimated population of 205 based on Ordinance Survey data of occupancy rates. Due to the size of the scheme (93 units), the following therefore needs to be provided on site:

0.2 hectares of Amenity/ Natural Green Space  
0.01 hectares of Play Space (Children)

The layout shows the development will deliver two formal areas of open space measuring approximately 0.3 hectares, including an area of children's play space measuring 0.04 hectares. This would exceed the guidance on provision set of in both R2 and ID6.

The application provides a LEAP in the south west corner of the site. This LEAP meets the Fields in Trust Guidance, having an activity zone over 400sqm, and being over 20 metres to the nearest residential dwelling. It is also within the walking distance guidelines of 400m to all the properties on the site. Exact details of this play space have been secured by a condition on the outline consent.

The applicants have submitted detailed planting specifications within a number of landscaping plans and planting schedule. The principles contained within this document are considered to be appropriate where the structural landscaping is native and appropriate. In the built-up part of the site, a mix of native species and ornamental or 'introduced' species are proposed in order to add variety in terms of colour, texture, fragrance and season interest and also to provide habitat and food sources for birds, insects and other small animals. This is considered to be acceptable in the locations proposed. The applicant is also proposing street trees along the main road, which is a considerable benefit, complying with para 131 of the NPPF.

There are however, a number of elements of the landscaping which have not been submitted, such as areas of hard landscaping and a suitable management and maintenance scheme. In addition there are a few areas of the scheme which need further modification to ensure a high quality finish such as measures to design out the opportunity for car owners to use verges for parking, more inclusive seating (with arm rests) in areas of public open space, resolution of the railway land buffer zone, and changes to some of the boundary treatments proposed (as discussed in the above section). These matters are secured by condition.

The open space provided has merit in providing opportunities for recreation and physical activity. The spaces provided would have a clear function and have been designed with permeability and connectivity within and beyond the site boundaries in mind. There are effective linkages across the site for residents accessing these facilities, which would comply with policies D1(6) and D1(7) of the Guildford Borough Local Plan: strategy and sites 2019, saved Local Plan policy G5(9) and the NPPF.

### **On site highway/parking considerations**

As noted above, outline permission gave approval for the means of access into the site and dealt with the principle of developing the site with up to 100 houses. This included a package of measures secured through a S278 agreement, and approved through conditions 14 and 17 of the outline, together with transport infrastructure measures secured through the S106 Agreement.

### Vehicle and Cycle Parking

Emerging policy ID11 of the LPDMP relates to parking standards for development. Changes to this policy are currently being consulted on as part of the main modifications. The relevant parts of this policy are contained below:

3) For non-strategic sites:

- a) the provision of car parking in new residential development in Guildford town centre or suburban areas, for use by residents themselves, will have regard to the maximum standards set out in the Parking Standards for New Development SPD;
- c) the provision of additional unallocated parking, to allow for visitors, deliveries and servicing, at the ratio of 0.2 spaces per dwelling will only be required where 50% or more of the total number of spaces, provided for use by residents themselves, are allocated;
- e) the provision of electric vehicle charging will provide at least the minimum requirements set out in Building Regulations (Part S); and
- f) the provision of cycle parking will have regard to the minimum requirements set out in the Parking Standards for New Development SPD.

4) For residential and non-residential development on strategic sites and also non-strategic sites in urban areas:

- a) the provision of car and motorised vehicle parking at lower than the defined maximum standards must be justified by a coherent package of sustainable transport measures which will be proportionate to the level of reduction sought. Evidence will be expected to address:
  - i) generous provision of unallocated car parking as a proportion of all car parking spaces provided by the development proposal, where this enables more efficient use of land;
  - ii) excellent quality of walking and cycling access to a local centre, district centre or Guildford town centre;
  - iii) high public transport accessibility; and
  - iv) planning obligations and/or on-street parking controls such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

5) For all sites:

- a) car parking spaces external to a dwelling will be required to meet the minimum size requirements of 5 by 2.5 metres;
- b) a garage will only count as providing a car parking space if it meets the minimum internal dimensions of 6 by 3 metres. A garage with the minimum internal dimensions of 7 by 3.3 metres will be considered to also have the capacity to park up to 2 cycles, allowing independent access. A garage with the minimum internal dimensions of 7 by 4 metres will be considered to have the capacity to park up to 5 cycles, allowing independent access. Alternate layouts for garages which can be demonstrated to provide equivalent or better space provision and access for a vehicle and cycles may be acceptable;
- c) car parking spaces for disabled drivers will be designed and provided in accordance with national guidance;
- d) development proposals will be required to demonstrate that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

The Draft Parking Supplementary Planning Document 2022 contains the following standards for residential development in urban areas (non-strategic sites) – Maximum provision of car parking for dwellings, for use by residents themselves:



<b>Location</b>	<b>Town Centre</b>	<b>Suburban</b>
<b>1 bed flats (including studios &amp; bedsits)</b>	1	1
<b>2 bed flats</b>	1	1
<b>1 bed houses</b>	1	1
<b>2 bed houses</b>	1	1.5
<b>3 bed houses</b>	1.5	2
<b>4+ bed houses</b>	2	2.5

This equates to a maximum requirement of 160 spaces for this application, which is sited as a non strategic site for the purposes of emerging policy ID11 (as defined within the emerging policy).

Within their submission, the applicant has put forward the following breakdown of car parking on the application site:

- 160 allocated spaces (including a mix of allocated parking on driveways, allocated parking in carports and car barns and allocated parking in parking courtyards)
- 1 unallocated space in a marked bay
- unallocated space for the parking of 19 vehicles on street
- 25 garages - all with internal dimensions of 6 by 3 metres

Within the submitted Reserved Matters Transport Statement the applicant has decided not to count the garage spaces, as garages are often not used to park cars in. However, emerging policy ID11 specifically states garages with internal dimensions of 6 - 3 metres will be counted in the parking numbers. This results in 185 allocated parking spaces for residents on the site, exceeding the maximum standards in the emerging SPD Parking.

In relation to visitor parking, SCC do not agree that the on street parking approach put forward by the applicant is an appropriate strategy. In their comments on the application they state the parking provision must be revised, which is already controlled under condition 18 of the outline consent. As SCC do not agree to the unmarked on street spaces, it must be considered that the application currently provides 1 visitor parking space. Emerging policy ID11 generates a need for 18 unallocated parking spaces for visitors, therefore the provision of unallocated parking for visitors, deliveries, and servicing does not accord with the requirement in emerging policy.

In relation to parking provision, it is acknowledged that the Local Plan Development Management Policies and the Parking for New Development SPD are not adopted so do not yet carry full weight. Likewise, the development proposed has been progressed over a fairly long timeframe and for a large extent of this time the policies/ SPD were not emerging and carrying weight. Whilst the application proposes a parking provision in excess of the emerging Parking SPD standard and a visitor parking provision below the policy requirement, SCC do not raise objection stating the off-street parking provision for the dwellings is satisfactory and visitor parking can be dealt with under the discharge of condition.

It is stated that for some plots, garages will be used for cycle parking (albeit alongside sheds for some dwellings, and communal cycle parking for the flats). However, for garages to count as providing cycling parking, they would have to be of a larger size to meet the requirements of Policy ID11 (5)(b). The minimum cycle parking provision in the emerging SPD requires 1 cycle space per bedroom. At present, it appears that the application does not comply with the emerging policy in this regard. However, the level of cycle provision is secured by condition 18 on the Outline permission, and it can be addressed when this condition is discharged. For clarity, an additional condition is recommended on this reserved matters application, for an amended cycle parking strategy to be submitted to and agreed by the Council.

Electric vehicle charging is secured under condition 19 imposed upon the outline planning permission. All dwellings with dedicated off-street parking spaces will have 1 charging socket per dwelling. Where allocated parking is in courtyards, an appropriate ducting strategy will be prepared to ensure at minimum 1 EV charging point is provided per dwelling, which will be metered to the associated dwelling's electricity supply.

### Internal Road Layout

The submitted Reserved Matters Transport Statement states that the internal road layout has been designed in accordance with Surrey County Council's, Surrey Design – Technical Appendix (January 2002), as well as up to date and commonly applied design principles set out in Manual for Streets (MfS) - 2007. To that end the following key design principles have been followed:

- Carriageway widths have been kept to a practicable minimum to encourage low vehicle speeds and create an environment that is safe and useable by pedestrians and cyclists
- Priority has been given to the movement of pedestrians and cyclists, with a fully permeable and safe layout along with landscaping and open green areas to soften the design
- Where shared surfaces are provided, these are open and further enhance connectivity for non motorised road users
- The need to accommodate vehicular movement with the exception of the main spine road which has been designed to allow two buses to pass, and parking, has not been allowed to dominate the layout. Parking is generally within the property curtilage, or in short sections of off-street parking bays. Parking for flats is contained within off-street parking courts.

SCC raised no objection to the internal road layout proposed, stating they are satisfied with the alignment of the spine road where the speed controlling bend near dwelling 28 will reduce speeds at this point and there is sufficient visibility within proposed highway based on perceived speeds of vehicles.

### Compliance with the Strategic Development Framework SPD

The Strategic Development Framework SPD indicates the location of primary routes, and states the intention that buses should be able to use the primary routes. The internal access road linking the north west corner of the site to the southern boundary is secured by condition 6 of the Outline permission, and forms part of this identified primary route in the SPD. The proposal has been designed with a road width of 5.5m, which is narrower than the recommended minimum width for a standard bus route. The applicant has been asked to fully explore the possibility of the primary route being designed to allow for a potential future bus route in order to comply with the aspirations of the SPD, and they have provided a response in the cover letter dated 30/11/2022.

The key points made by the applicant in relation to the potential bus route are:

- Site residents will be served by existing bus routes - it is unlikely to be necessary or desirable for such services to deviate from a direct route and traverse through the application site.
- The proposed width of 5.5m is sufficient to permit a smaller, 'hopper' style bus to navigate through the application site. Bus access is therefore not precluded, should a localised service ever be provided along this route in the future.
- Any changes to existing bus routes is only speculation, as no details are available to confirm the deliverability of amending these services in this respect at the time of writing.
- Condition 6 of the outline permission has already been discharged with a 5.5m road width, therefore the LPA has already accepted this width.
- A 5.5m carriageway was also proposed with the adjacent Bewley Homes application (LPA ref: 20/P/01461). During the appeal, no concerns were ever raised in relation to carriageway width by the Council, SCC or the Planning Inspector.

In addition to these points made by the applicant, which are considered to have merit as an argument for not providing a wider road for the potential bus route, it is also considered that a wider more engineered road would not be appropriate in the context, where it would form an overly engineered response in an area where there are constraints such as the adjacent Ash Manor complex and the location towards the edge of the urban area. It is therefore considered that the applicant has fully justified the narrower road width as being the most appropriate response on this site.

SCC are satisfied with the internal layout, inclusive of the 5.5m width and have stated details will be agreed through a separate S38 technical approval process.

Access for pedestrians and cyclists, including within the built development and around the perimeter of the site within the open space is considered a positive response, being permeable and pedestrian friendly. The application proposes a cycle and pedestrian route from the access at Ash Green Road, up to the north west corner of the site, ensuring the potential for future connectivity is not lost in accordance with the Strategic Development Framework SPD.

#### Other road layout matters

The applicant has provided plans which show a GBC refuse vehicle is able to enter and exit the site in a forward gear. The applicant has submitted tracking plans for manoeuvres, where it has been demonstrated that the refuse truck can safely move around the site. However, the GBC Waste and Recycling team require the bin store for plots 35-38 to be moved closer to the highway. In addition to this concern, there are a number of instances where other collection points need moving closer to the highway to reduce the number of manoeuvres the refuse vehicles have to do on site and ensure the maximum drag distance of the crew is not exceeded. As recommended by the waste and recycling team, a condition will be added that a new refuse strategy shall be submitted to approved prior to occupation of the dwellings.

The applicant has also provided tracking plans showing a fire truck can manoeuvre around the site, ensuring compliance with building regulations.

Overall, internal layout and parking proposed is considered to be acceptable, forming a well considered and designed residential development, which would comply with policies D1(6) of the Guildford Borough Local Plan: strategy and sites 2019 and saved Local Plan policy G5(9). A conflict with one element of the Strategic Development Framework SPD has been identified, relating to the potential bus route, however in all other regards, the application is considered to comply with the SDF SPD. The above assessment has identified some conflict with emerging policy ID11, where higher than the maximum allocated parking is provided, and a lower number of unallocated visitor parking is provided. This breach does not however result in any harmful impact, as the total number of spaces, when including the garages is very close to the total parking requirement for the site (both for residents and visitors) when looking at the requirements of the emerging DMP and SPD.

#### Housing mix

This section is for information only, demonstrating how the layout complies with the condition on the outline. Housing mix was agreed at the outline, and cannot be revisited at this stage.

Policy H1 of the LPSS states that 'new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location'.

The outline permission dealt with this matter, where condition 5 required the development to come forward within the following range of mixes to ensure a close match with the requirements of the SHMA:

Market Housing:	Affordable Homes
1-bed: 5-10%	1-bed: 35-45%
2-bed: 25-30%	2-bed: 30-35%
3-bed: 35-45%	3-bed: 20-25%
4+bed: 20-25%	4+bed: 0-5%

The current application is in compliance with these ranges, as shown in the two tables below, ensuring that the type of homes delivered match the boroughs housing need.

<b>Table 1</b>			
<b>Market Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	3	10	5
2 bed	17	30	30
3 bed	24	40	43
4 bed+	12	20	21
Total	56		

<b>Table 2</b>			
<b>Affordable Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	16	40	43
2 bed	11	30	30
3 bed	9	25	24
4 bed	1	5	3
Total	37		

GBC's Housing team raise no objection to the affordable housing mix. In relation to the location of the affordable units, these are integrated throughout the development.

**Living environment for future occupiers**

Policy D5 of the LPDMP relates to the provision of amenity space. It states:

- 2) All new build residential development proposals, including flatted development, are expected to have direct access to an area of private outdoor amenity space. In providing appropriate outdoor amenity space, both private and shared, development proposals are required to:
  - a) take into account the orientation of the amenity space in relation to the sun at different times of the year;
  - b) address issues of overlooking and enclosure, which may otherwise impact unacceptably on the proposed property and any neighbouring properties; and
  - c) design the amenity space to be of a shape, size and location to allow effective and practical use of the space by residents.
  
- 3) All balconies or terraces provided on new flatted development proposals are required to be:
  - a) designed as an integrated part of the overall design; and
  - b) a minimum of 4sqm.
  
- 4) Development proposals are required to have regard to relevant national and local design guidance or codes, including in relation to garden sizes and residential building separation distances.

All of the proposed houses would have access to both private and communal outdoor space. Garden sizes across the development are occasionally on the small side, however all gardens do provide a level of amenity for future occupiers, where smaller gardens are not uncommon in new build housing, and not always undesirable dependant on the needs of the purchaser.

The largest block of flats in the centre of the scheme only has access to the shared areas of open space. It is not considered balconies would be appropriate in this location, as they would cause issues of overlooking to neighbouring dwellings. The supporting text of policy D5 states there may be instances whereby communal gardens are considered to be the most appropriate form of provision, however this will need to be justified on the basis of site-specific circumstances. The central block of flats is located particularly close to the central area of open space, and it is considered the approach in this instance is justified.

All flats are dual aspect, where landscaping has been incorporated into rear parking courtyards to improve outlook for rear facing rooms.

The layout provides for adequate separation distances between buildings /properties to ensure appropriate privacy, outlook and daylight/sunlight. All units will meet the required Nationally Described Space Standards in terms of internal layout/space.

As such, the external and internal amenity of the proposed units would be acceptable and the application complies with emerging policy D5.

### **The impact on trees**

Policy P8/P9 of the LPDMP seeks to protect Ancient woodland and significant trees. It states:

4) Where ancient woodland falls within or adjacent to a development site, the following measures are required.

a) The submission of information setting out the location of all significant ancient or veteran trees (a BS5837 Survey).

b) An appropriate buffer around the ancient woodland of a minimum of 15 metres or a greater distance if specified by national policy.

c) A clear separation between the woodland and the rest of the development, delineated by a physical feature such as a wildlife permeable barrier, a cycle lane, path or lightly trafficked road.

d) Site design that discourages harmful activities such as the use of the woodland as a cut-through where well-used paths do not currently exist.

5) Development proposals for sites that contain significant trees, including ancient and veteran trees and ancient woodland, are expected to incorporate them and their root structures and understorey in undeveloped land within the public realm, and to provide green linkages between them.

The application site contains a number of trees around the edges of the site, and has been submitted with a Tree Protection Plan and a Method Statement prepared by ACD Consultants. There is a TPO along the boundary with the site to the west affecting a number of individual trees (TPO no. No. 7 of 2017) and also an area of Ancient Woodland along the eastern boundary of the site.

The application does not propose the removal of any trees, where all retained trees will be protected through the course of the development. Some minor development is required with the root protection areas of two of the TPO trees, however it has been shown that in these locations, a special no-dig construction will be utilised.

The woodland block to the east of the site is designated as Ancient Semi-Natural Woodland (ASNW) on Natural England's Ancient Woodland Inventory. The Forestry Commission and Natural England's guidance, known as 'standing advice' refers to Ancient Woodland, and trees classed as ancient, or veteran or aged as irreplaceable. Ancient woodland takes hundreds of years to establish and is important for its:

- Wildlife (which include rare and threatened species)
- Soils
- Recreational value
- Cultural, historical and landscape value.

The Standing Advice provides guidance regarding potential mitigation regarding development in close proximity to Ancient Woodland. The advice is that an appropriate buffer zone should be provided of semi-natural habitat between the development and the Ancient Woodland (depending on the size of the development, a minimum buffer should be at least 15 metres). The application proposes a 15-metre buffer from the ancient woodland, which provides an adequate buffer between the woodland and development. It is beneficial that the access road borders the buffer zone rather than gardens of the properties, which reduces the possibility of fly-tipping. Landscape plans indicate the erection of a fence, separating the buffer zone from the rest of the proposed development. Within the buffer zone, tussock grassland and wildflower seeding is proposed, along with native shrub planting.

The Council's Tree Officer has raised no objections, stating all trees are located on the four boundaries and can be adequately protected during development of the site. Conditions requiring development in accordance with the Arboricultural Method Statement and Tree Protection Plan and an on-site meeting with the Council's Arboricultural Officer prior to works commencing are recommended.

The development is therefore in accordance with emerging policy P8/P9 of the LPDMP, saved policy NE5 of the 2003 Local Plan and the NPPF in this regard.

### **The biodiversity and ecological enhancement plan**

Policy P8/P9 relates to biodiversity in proposed developments, and includes the requirement for a 20% net gain. This policy is subject to some amendments in the main modifications. This is a reserved matters application, where biodiversity impacts were assessed and concluded under the outline permission. This requirement does not therefore apply to a reserved matters application where permission has already been granted.

Condition 23 of the outline consent required the Reserved Matters application to be submitted with a Biodiversity and Ecology Enhancement Plan (BEEP). The applicant has submitted the a BEEP, which has been prepared by a suitably qualified ecologist. The document outlines the general biodiversity enhancements proposed for the site. Section 4.4 of the BEEP states that "the proposed development aims to retain and enhance existing habitats and maintain the connective features of the Site to the wider landscape".

Surrey Wildlife Trust have assessed the submitted BEEP and have advised that if implemented properly, the proposals contained in the BEEP for retaining and enhancing existing habitats would likely have benefits for ecology. To ensure the proper implementation of the intentions of the BEEP, a Landscape and Ecology Management Plan (LEMP) has been added as a condition. Other conditions recommended by SWT relating to an amended Construction Environment Management Plan, a badger survey, a retille mitigation strategy and a ground level tree bat roost assessment have also been incorporated as conditions to the application.

### **The impact of nearby heritage assets**

Whilst the application site itself is void of heritage assets within its boundary, there are a number of heritage assets within the sites immediate context that have the potential of being affected by the proposed development. The assets in question have been identified as:

- Ash Manor and Old Manor Cottage – Grade II\* (approximately 125m to the west of the site boundary)
- Ash Manor Oast and The Oast House – Grade II (approximately 85m to the west of the site boundary)
- Oak Barn – Grade II (approximately 85m to the west of the site boundary)

Collectively, these assets are referred to as the Ash Manor complex. The applicant has submitted a Heritage Assessment which has taken into account the assets identified above.

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.

This statutory duty requires decision makers to give considerable weight and importance where there is harm to the significance of a designated heritage asset.

NPPF provisions:

Chapter 16 of the NPPF at paragraph 195 sets out 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). 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'.

Paragraphs 197 - 203 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.

Policies D16 and D17 of the LPDMP reiterate the NPPF stating development proposals which result in harm to, or loss of, the significance of a designated heritage asset will be considered in line with national policy and guidance.

### **Outline permission and approach to reserved matters**

When assessing the acceptability of the scheme at the outline stage, the Council recognised that the scheme would result in "less than substantial" harm to the setting of Ash Manor. Applying "considerable weight" to this harm – as it was required to do by section 66(1) – the Council considered that the benefits of the scheme outweighed that harm.

On this application for reserved matters it is not open to the Council to revisit or remake that judgement. However, it is entitled to consider whether the layout, appearance, scale and landscaping is such that the harm caused has been minimised, consistent with national and local policy, and that, therefore, the benefits of the scheme continue to outweigh the harm.

### Significance and setting of the Ash Manor complex

In terms of significance, Historic England (HE) have stated in their consultation response that the grade II\* listed Ash Manor and Old Manor Cottage is one of three listed buildings forming a discrete group within the rural landscape to the north of Ash Green. The building's significance is derived from its historic and architectural interest as a moated manor house thought to have 13th century origins with successive phases of development dating to the 16th, 17th and the mid-20th centuries. Ash Manor and Old Manor Cottage have a strong group value in combination with the nearby grade II listed Oak Barn, Ash Manor Oast and The Oast house, together having integrity and coherence in a rural setting.

The GBC Conservation Officer states the special interest of the Ash Manor complex derives from the architecture and history of its buildings and their setting. The current agricultural and open character of the setting of this group of listed buildings is one that has remained constant throughout the sites history. It contributes to the significance of the group of buildings by illustrating the functional relationship between agricultural buildings and farmland, and the current openness of the surroundings helps us to read the historic importance of this group of buildings. The immediate setting now comprises domestic curtilages and so has changed considerably from that of the original farmstead, facilitated by the conversion of some of the farm buildings, as well as the removal of others. Nevertheless, the interrelationship between the farmstead and the moated site of Ash Manor is still evident.

### Assessment of impact on setting and significance

The Conservation Officer considers that the introduction of houses, gardens and road infrastructure would result in a concerning change to the wider setting of this group of heritage assets. This would manifest, not only by virtue of physical change to the character of this land, including by being perceptible and disruptive in outward views from the heritage asset, as well as inward views, but also, it would facilitate in the erosion of a part of the legible understanding of the site's history, role and use as a manorial farmstead. Equally, the activity and noise generated from the placement of 90+ homes and their occupants would certainly have an impact on assets current tranquil character and sense of privacy.

However, the Conservation Officer acknowledges that the site has outline planning permission for 100 dwellings, where less than substantial harm was identified. Moreover, the Conservation Officer accepts that various revisions have been made to the scheme, with the aim of minimising harm and improving the layout and design of the scheme. These include:

- Increase set back from the western boundary
- Re-design of area around May and Juniper Cottages
- Reduction in height of the apartments buildings and introduction of corner turning apartment
- Introduction of street trees
- Reduction in prominent frontage parking
- Increased open spaces around trees on the Ash Green Road boundary

These revisions are generally welcomed by the conservation officer, who recognises that the sensitivities of the heritage assets has been factored into the layout. In particular she recognises that harm will be minimised by leaving the most sensitive section of the western boundary free from development; having a looser/organic arrangement of development where it is proposed on the western edge; constraining the mass and bulk through the avoidance of having gable ends orientated towards the western boundary; and, in particular, by the provision of a robust ecological buffer along the screened boundary.



On this basis the Conservation Officer concludes that the degree of harm caused from the scheme can be described as being at the lower end of the 'less than substantial harm' spectrum.

Historic England considers the proposal will cause some harm to the significance of the Ash Manor complex and that this harm is within the less than substantial range under the terms of the NPPF. In their initial response to this application they stated, "to reduce this harm, it is essential that this site delivers a high quality, locally distinctive design, along with landscape enhancements and sensitive lighting. We highlight the importance of an impermeable site boundary to the west of the proposed site except, if necessary, where to facilitate an opening to the north corner for the proposed future access. The current boundary formed of hedging and Common Oaks should be augmented by additional high and under-storey planting to provide a visual and noise barrier between the historic buildings and new development. The landscaping should encourage native species and have suitable on-going management (including via a management plan) to ensure that the proposed buffer planting remains effective. Conditions should be applied to prevent removal in the future. Additionally, the lighting to the rear of the houses to the western boundary of the site should be designed to have as a minimal an impact as possible. If these amendments are undertaken, we consider this would go some way to reducing the urbanising effect on the setting of the manorial complex".

Since this response, amendments to the application have been received, improving the application (in the ways stated above by the Conservation Officer). In addition, the landscaping has also been enhanced along the western boundary. The maintenance of this landscaping is secured by the S106 on the outline permission, where a scheme has to be submitted and agreed by the Council. A sensitive lighting scheme has been added as a condition to this permission. Taking this into consideration, it is considered that the comments of Historic England have been addressed.

In relation to cumulative effects, PPG guidance on the Historic Environment clearly states in paragraph 18a-013-20190723 that "when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change." The relevant scheme in this instance is application 19/P/01460 – Land East of Ash Railway Station and Foreman Road & South of Guildford Road, Ash. The harm of this scheme upon the significance of the Ash Manor complex was recently assessed by the Planning Inspector in relation to the recent appeal at Land at Ash Manor, Ash Green Road, Ash, (APP/Y3615/W/21/3273305) who concluded that "the harm to the significance of the heritage assets would be in the middle of the scale in the less than substantial category".

When taking the above into consideration, the Conservation Officer goes on to state when considered together the combined effect of the proposed scheme and the approved road bridge scheme would result in increased erosion of the historic setting to the north and east of the heritage assets, and thereby diminishing one's appreciation or experience of the heritage assets as a collective group. Nevertheless, it is unlikely that the two developments would be read and/or be experienced in one view, either from the Ash Manor complex or in views towards it. With this in mind she concludes that the cumulative harm to the significance of the heritage assets would fall in the lower end of mid-range of harm in the less-than-substantial category.

From the above it is noted that the applicant, HE and the Council's Conservation Officer agree that the harm to the setting of the Ash Manor complex from the application would be less than substantial. The site has outline permission for 100 dwellings which forms a material consideration and the applicant has minimised the harm by submitting a layout which pulls development away from the boundary with the heritage assets, protects and supplements the existing considerable landscaping along this boundary, and has considered the orientation, design and scale of the units nearest to the heritage assets. When taking into account the mitigating measures, the level of harm is considered to be at the lower end of the 'less than

substantial harm' spectrum.

#### Conclusion on impact on heritage assets

From the above it is noted that the applicant, HE and the Council's Conservation Officer agree that the harm to the setting of the Ash Manor complex from the application would be less than substantial. The site has outline permission for 100 dwellings which forms a material consideration and the applicant has minimised the harm by submitting a layout which pulls development away from the boundary with the heritage assets, protects and supplements the existing considerable landscaping along this boundary, and has considered the orientation, design and scale of the units nearest to the heritage assets in accordance with policy A31(8).

It has been concluded above that the proposal would result in less than substantial harm at the lower end of the scale to the Ash Manor complex (Grade II\* and II). Looking at the cumulative impact with the Ash Road Bridge scheme, this would rise to less than substantial (at the low end of the mid-range of the scale). As less than substantial harm has been identified, paragraph 202 of the NPPF is engaged. Para 202 states 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Having reached the view that the proposal results in harm to surrounding heritage assets, one must look at paragraph 199 of the NPPF which states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This accords with the duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and "is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

The "less than substantial harm" identified shall be weighed against the public benefits in the final section of this report.

#### The impact on character of the area

The initial point which needs to be raised is that this application relates to the approval of details pursuant to an outline permission. The change in character of the site from open fields to a built residential development has been approved in principle and is not for consideration at this stage. The site is also a part of a wider allocation (A31), where it can be assumed there will be a level of change to the character of the surrounding area from additional residential development.

The application site is located towards the edge of the urban area adjacent to Ash Green. The proposal responds appropriately to all edges of the development, as described in detail in the above layout section of the report, to ensure the impact on the character and appearance of the area is acceptable. It is considered the application is in accordance with policy A31(7) which requires sensitive design at site boundaries that has regard to the transition from urban to rural.

#### The impact on neighbouring amenity

Policy D5 of the LPDMP relates to the protection of amenity. It states:

1) Development proposals are required to avoid having an unacceptable impact on the living environment of existing residential properties or resulting in unacceptable living conditions for new residential properties, in terms of:

a) Privacy and overlooking

- b) Visual dominance and overbearing effects of a development
- c) Access to sunlight and daylight
- d) Artificial lighting
- e) Noise and vibration
- f) Odour, fumes and dust

#### *May and Juniper Cottages*

The proposed development wraps around the side and rear of these two existing properties, to provide enclosure of the rear gardens and a positive outward design response. The back to back distance between these neighbours and plots 92 and 93 will measure between approximately 30m - 32m. This is a sufficient minimum distance to ensure no direct, window to window overlooking or loss of privacy from plots 92 and 93 to the existing cottages.

Plot 91 is located behind Juniper Cottage on a diagonal line, standing approximately 20 metres from the dwelling and 7 metres from the rear garden at its closest point. Between the two properties is a pedestrian access route. The front elevation of plot 91 is angled away from Juniper Cottage and its garden, ensuring no materially harmful overlooking impact. In addition, additional landscaping (native shrub mix) is proposed between the two properties, helping to enhance the separation.

Plot 80 follows the same building line as May and Juniper Cottages, with approximately 10 metres from side elevation to side elevation. Plot 80 contains one side facing window, which serves a first floor bathroom. This will be conditioned to be obscurely glazed to ensure no materially harmful overlooking impact.

#### *Greenlands and Little Orchard*

Both these dwellings are sited over 40 metres from the nearest dwellings on the application site, with Ash Green Road between them. At this distance, and with the road as an intervening feature, there will be no material impact on these neighbouring dwellings in relation to overlooking, overbearing impact and loss of privacy.

#### *Other dwellings in the vicinity of the development*

Due to distances involved between the site and any other neighbouring properties, there is no harmful impact to the amenities of any other neighbours in the vicinity of the development. It must be borne in mind that this is an allocated housing site and therefore existing residents will inevitably have new "neighbours" replacing the existing green field aspect.

The proposal has been found to accord with saved local plan policy G1(3), emerging policy D5 of the LPDMP and the NPPF, in respect of impact on amenity.

#### **Other matters for clarification**

##### **Flood Risk and drainage strategy**

This issue is not for consideration as part of this reserved matters application as it was dealt with by the outline permission and conditions. However, for information/completeness, through design negotiations on the site, officers encouraged the applicant to look at the use of SuDs in accordance with principles in design guidance. On this basis, the applicant submitted plans showing a swale.

The Lead Local Flood Authority have advised that due to the fall of the site it should be possible for some of the plots and parking areas to drain into this swale, however the details of this need to be agreed under condition 10.

#### Energy reduction and sustainability measures

Energy reduction measures are covered in the outline planning condition 19 and are not for consideration as part of this reserved matters. However, for information, the applicant is now seeking to achieve a 30% CO2 reduction through the use of an increased number of photovoltaic panels spread throughout the development representing an improvement of 10% above and beyond the 20% required by the outline permission.

#### Planning balance

#### Heritage harm vs. public benefits balance

Where less than substantial harm has been identified to a heritage asset, paragraph 202 of the NPPF is engaged. Para 202 states 'this harm should be weighed against the public benefits of the proposal'.

There are two key benefits arising from the proposal.

Firstly the provision of market housing, which is afforded significant weight. The Council has a deliverable supply of housing land for in excess of five years. The Council's published Position Statement is that the Council has 6.46 years supply. However, the application site is included in the 5 year supply, within the 1-5 years delivery, and is therefore an important element of the Council's supply.

Secondly the provision of affordable housing, which is also afforded significant weight. The application proposes a policy compliant 40% affordable housing, which equates to 37 units. This is not an insignificant number of units helping to address an acute need.

In addition, the mix of units is very closely aligned with the SHMA mix, addressing the identified housing need in a way that provides a true mix of units in accordance with need identified.

There are two additional benefits arising from the scheme. Firstly the economic benefits in the short term arising from construction jobs and in the longer term stemming from continuing occupation. This is given modest weight. Secondly the provision of recreational open space including a LEAP for use by existing and future residents, which stems directly from the proposed development. This is also given modest weight.

As noted above, paragraph 199 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, 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'. It should also be remembered that 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.'

It has been concluded above that the proposal would result in less than substantial harm (at the lower end of the scale) to the Ash Manor complex (Grade II\* and II). Looking at the cumulative impact with the Ash Road Bridge scheme, this would rise to less than substantial (at the low end of the mid-range of the scale).

A key consideration is that the Council have already accepted, at outline stage, that the public benefits of the scheme outweigh the “less than substantial harm” that would be caused to the Ash Manor complex. It is not open to the council to revisit this judgement on this application for reserved matters.

As part of this application, it has been concluded that the harm – taking account the additional detail from the reserved matters – would be at the lower end of the “less than substantial” scale. Moreover, in accordance with national policy – and as was required by Historic England – it is accepted that, through this reserved matters application, the applicant has minimised the harm that would be caused.

Although the harm increases to the low end of the mid-range when considered cumulatively with the Ash Road Bridge, this is still within the “less than substantial” scale as originally assessed. Moreover, it is to be noted that the Ash Road Bridge scheme in isolation has been judged by a planning inspector to cause harm to the Ash Manor complex “in the middle of the scale in the less than substantial category.”

Therefore, although great weight and considerable importance has been afforded to the heritage harm, it is considered – as was the case at the outline stage - that the public benefits of housing, both market and affordable, along with the other identified benefits continue to be sufficient to outweigh the identified heritage harm.

### **Conclusion**

The principle of the development has been established under the outline planning permission (18/P/02308) and the site is allocated under policy A31. The application seeks approval for the layout of the site as well the scale and appearance of the buildings and the landscaping of the site.

The application for reserved matters is consistent with current development plan policies, and it is concluded the proposal is in accordance with the Development Plan when read as a whole.

As identified in the body of the report, there are some conflicts with emerging policy ID11 and the Strategic Development Framework SPD which form material considerations. These conflicts relate to parking provision and the future potential of bus use through the site, however no material harm has been identified from these minor breaches.

The proposed layout has responded to the constraints and opportunities on the site, including the adjacent Ash Manor complex. The proposed dwellings have been designed to reflect the local vernacular where materials will be conditioned and boundary treatment and landscaping plans refined ensuring the development is appropriate to the context. The scale and height of buildings is considered appropriate towards the edges of the A31 allocation. The scheme, through its urban design principles will create a place with a sense of identity/place and is considered to have an appropriate relationship with Ash Green, providing a green buffer. Cycle and car parking is considered to be appropriate in the context and the arrangement of internal roads and pedestrian routes are safe, convenient, allowing for the potential of future permeability in accordance with the outline permission and the Strategic Development Framework SPD.

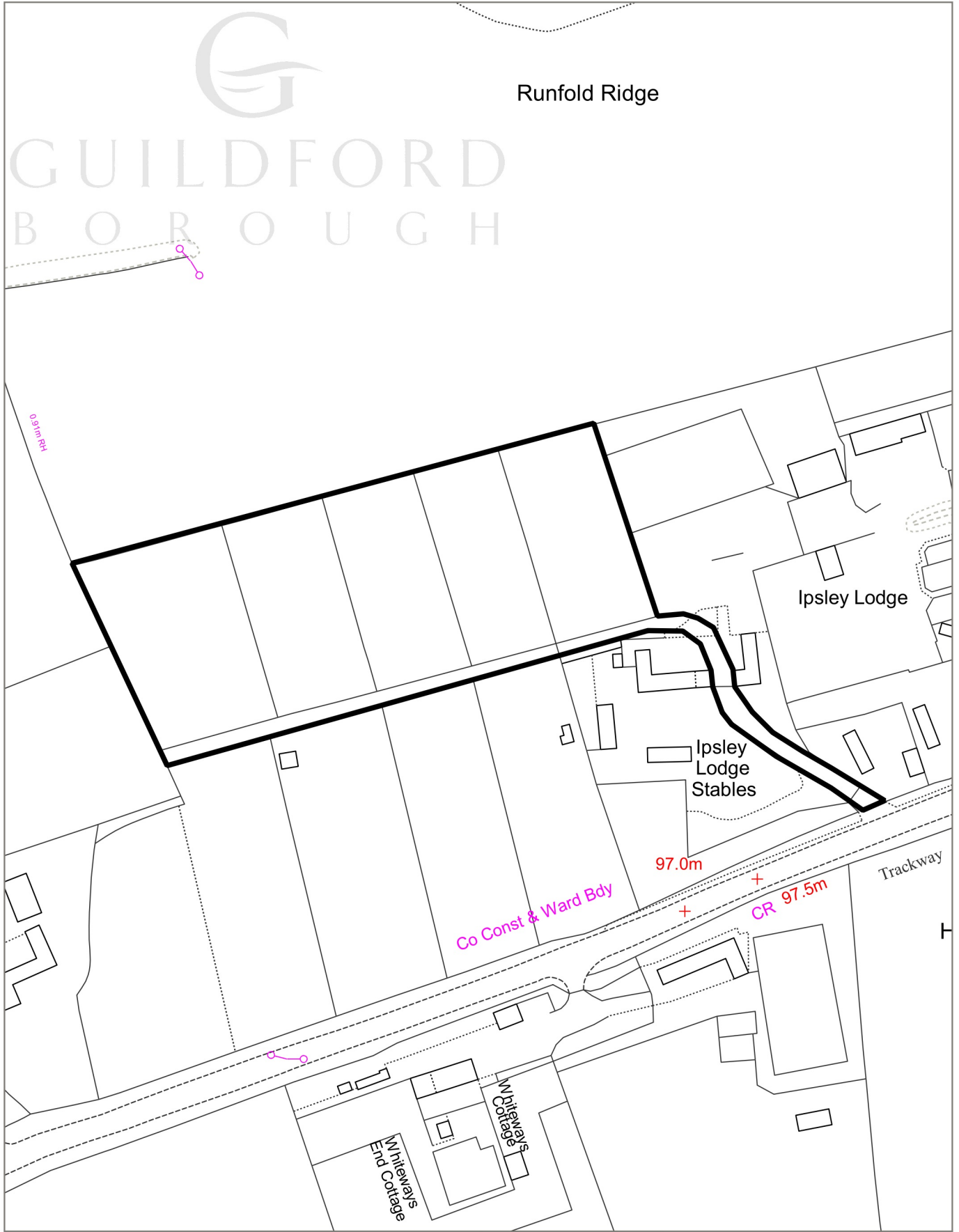
Agenda item number: 5(1)

The design takes into account the amenity of future occupiers as well as providing appropriate separation distances from existing neighbours to avoid overlooking, loss of outlook, loss of daylight and sunlight and to minimise noise and disturbance.

The details approved by this application will minimise the harm to the designated heritage assets at the Ash Manor complex, and ensures that the development itself will cause less than substantial harm - at the lower end of the scale. This level of heritage harm was considered to be acceptable at the outline stage given the public benefits of the scheme, and it is not open to the Council to revisit this judgement on this application for reserved matters.

The application is therefore recommended for approval with a number of conditions.

# 22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey



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Print Date: 24/01/2023



22/P/00738 - Ipsley Lodge Stables, Hogs Back, Seale



Not to scale





**App No:** 22/P/00738 **8 Wk Deadline:** 26/07/2022  
**Appn Type:** Full Application  
**Case Officer:** Lisa Botha  
**Parish:** Tongham **Ward:** Ash South & Tongham  
**Agent :** Mr Brownjohn **Applicant:** Mr Owen  
WS Planning & Architecture C/O WS Planning &  
5 Pool House Architecture  
Bancroft Road 5 Pool House  
Reigate Bancroft Road  
RH2 7RP Reigate  
RH2 7RP

**Location:** Ipsley Lodge Stables, Hogs Back, Seale, Guildford, Surrey, GU10  
1LA  
**Proposal:** Change of use of land for the proposed creation of 4  
Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes,  
4 Touring Caravans, and the erection of 4 Dayrooms

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

The application site relates to an area of land formerly comprised of five paddocks associated with the equestrian use of the land. The surrounding area is predominantly residential in nature.

The site lies within the countryside beyond the Green Belt and is located on the border with the Green Belt, Surrey Hills Area of Outstanding Natural Beauty (AONB) and AGLV (Area of Great Landscape Value). The site is also in the Blackwater Valley strategic open gap and is located within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The site is accessed via the existing vehicle access into Ipsley Lodge Stables to the south-east. At the time of the Officer's site visit the application site comprised four roughly equally sized pitches with landscaped areas to the southern end of the site and hardsurfacing to the northern end with caravans located towards the northern end of the site on each of the pitches.

Application 21/P/01640 for a change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access was refused for a number of reasons: the lack of justification for the location of the proposal within the countryside, the sustainability of the location of the site, the impact on the AONB, highway concerns, the sustainability of the development and the impact of the proposal on the integrity of the Thames Basin Heaths Special Protection Area.

This application differs from the refused 21/P/01640 scheme in that:

- The site no longer seeks to provide a new vehicular access from the Hogs Back to the site
- Greater landscaping is proposed on site
- "The personal circumstances of the occupants of the site have now been provided
- A Climate Change, Sustainable Design, Construction and Energy Questionnaire has been submitted

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

There is no justification for the site to be located within its countryside location. The proposed development would result in some harm to the character of the site itself but would not result in any harm to the AONB. It would not result in any closing of the strategic gap between Ash and Tongham urban area or Aldershot and Ash Green Village.

No adverse impact on neighbouring amenity has been identified as a result of the proposed development and no adverse impact on highway considerations would occur.

Whilst some harm may have occurred to protected species and habitats on the site during the course of the developing the site, biodiversity enhancements and mitigation would be secured by condition. The site is considered to be located in a relatively sustainable location and sustainability measure would also be secured by condition.

It is noted that the development of the site is currently unauthorised and this adds weight against granting planning permission to a limited degree.

However, whilst the Council can demonstrate a 5 year supply of traveller sites, none are currently available and only 4 are available within the next 5 years. Should permission be refused, the applicants would be likely to have to revert to roadside living; this weighs heavily in favour of the proposal.

There are also a number of children on site who are currently attending local educational establishments; the best interests of the children have been taken into consideration and this also weighs heavily in favour of the proposal; as does the need for an occupant on the site to access medical care.

As such it is considered that, on balance, , subject to securing mitigation against the impact of the proposal on the Thames Basin Heaths Special Protection Area, the application be recommended for a temporary and personal permission for the existing occupants of the site to allow time for allocated sites to come forward.

### **RECOMMENDATION:**

**Subject to a Section 106 Agreement securing SANG and SANG the decision is to:**

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

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or any Act revoking or re-enacting or amending that Act with or without modification) in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing of the local planning authority.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Apply Conditions 8CL01 (1) to (3) as appropriate.

1. The site shall only be occupied by the following persons:

- Mr Billy Connors and Bridie Connors and their resident dependents
- Mr Darren Patrick Owen and Ann Brien and their resident dependents
- Mr Darren Trevor Owen and Barbara Owen and their resident dependents
- Kathleen Connors and her resident dependents

and shall be for a limited period of time expiring five years from the decision date. On or before the expiry date the use of the site hereby approved shall discontinue. Upon the cessation of the use of each plot, either by virtue of this temporary permission, or by the persons named in this permission ceasing the occupation of their respective plots, all caravans, buildings and materials shall be removed from the respective plot/s and the land restored in accordance with a scheme previously submitted and approved in writing by the local planning authority in pursuance of condition 4.

Reason: In granting this permission the local planning authority has had regard to the personal circumstances of the occupants and the lack of availability of pitches within the Borough.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

J003700-DD01 – Site Location Plan  
J003700-DD02 – As Existing Site Plan  
J003700-DD04 – As Proposed Dayroom  
2012038-01-B – Visibility Splays plans  
2012038-TK01 – Tracking Plan

all received 25/04/22 and J003700-DD03 revision B – As Proposed Site Plan received 08/12/22

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

3. No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be static caravans) shall be stationed on the site at any time.

Reason: To prevent intensification of the usage on this site, in the interests of the visual amenities of the area.

4. The use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of that use shall be removed within 28 days of failure to meet any of the requirements set out in (i) to (iv) below:

i) within 3 months of the date of this decision, or such other period as the local planning authority may agree in writing, a scheme shall be submitted in writing to the local planning authority.

The scheme shall include details of

- a) a planting scheme for the site, including a schedule of maintenance for a period of 5 years for the existing boundary treatments and planting, including the replacement of any tree, hedge or shrub that is removed, uprooted, destroyed or dies or becomes seriously damaged or defective.
- b) the provision of any external lighting.
- c) provision for foul and surface water drainage for the site.
- d) details of the restoration of the site in accordance with Condition 1 above.
- e) a timetable for the implementation of each of the elements of the submitted scheme.

ii) within 11 months of the date of this decision, the scheme referred to above shall have been approved in writing by the local planning authority or, if the local planning authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal or appeals shall have been made to, and accepted as valid by the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.

Reason: To ensure that the development is carried out to minimise the impact on the character of the area.

5. Visibility zones shall be provided in accordance with the approved plans, 2012038-01-B, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

6. Space shall be laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.  
Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

7. Within 3 months of the date of the decision, details of facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided within 6 months of the date of the development and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to encourage the use of more sustainable modes of transport.

8. Within 3 months of the date of this decision, details of a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) shall be submitted and approved in writing by the Local Planning Authority for approval in writing. Within 6 months of the date of the development hereby approved, the approved scheme shall be provided and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to encourage the use of more sustainable modes of transport.

9. No caravans shall be sited outside of the hardsurfaced area located at the northern end of each pitch identified on drawing number J003700-DD03 revision B.

Reason: To protect the character of the area, and the setting of the Area of Outstanding Natural Beauty.

10. Within 3 months of the date of the decision, details of the sustainability measures to be included in the development have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Sustainable Design and Construction Supplementary Planning Document (March 2011). The development shall thereafter be carried out in accordance with the approved details.

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

development.

11. Within 3 months of the date of the decision, a baseline for the site prior to the existing development taking place on the land, and a scheme to mitigate against the impact of the development of the land and to enhance the nature conservation interest of the site together with a timetable for the proposed works, shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

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

**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.

In this instance pre-application advice was not sought prior to submission, minor alterations were required to overcome concerns, these were sought and (either) the applicant agreed to the changes.

2. 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](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
3. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT

valuation to compensate for the loss of highway amenity.

4. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway 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. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance, obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

## **Officer's Report**

### **Site description.**

The application site relates to an area of land formerly comprised of five paddocks associated with the equestrian use of the wider site. The surrounding area is predominantly residential in nature, predominantly detached and two-storey in height, with the density of development reducing as you move westwards along the Hogs Back

The site lies within the countryside beyond the Green Belt and is located on the border with the Green Belt, Surrey Hills Area of Outstanding Natural Beauty (AONB) and AGLV (Area of Great Landscape Value). The site is also in the Blackwater Valley strategic open gap and is located within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA).

The site is accessed via the existing vehicle access into Ipsley Lodge Stables to the south-east. At the time of the Officer's site visit the application site comprised four roughly equally sized pitches with landscaped areas to the southern end of the site and hardsurfacing to the northern end with caravans located towards the northern end of the site on each of the pitches.

### **Proposal.**

Change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms (retrospective)

### **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/01640	Change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access.	Pending	N/A
21/P/00505	Erection of two 3 bedroom houses and two mobile home pitches.	Pending	N/A

### **Consultations.**

County Highway Authority: No objection on safety, capacity and policy grounds subject to conditions relating to visibility zones, the layout of parking so that vehicles may enter and leave in forward gear, the provision of a charging point for e-bikes and the covered parking of bicycles and the provision of a fast-charge electric vehicle charging point

Head of Environmental Health and Licensing: No objection



Seale and Sands Parish Council: Object for the following reasons:

- the site was considered not appropriate for use as a site for gypsy / traveller accommodation
- the land is designated for equestrian use therefore any development on this site is inappropriate and not in accordance with the Guildford Local Plan and any mitigations offered by the applicant are not relevant (Officer note: the site has not been allocated for equestrian use)
- the families identified in the application left their previous site to move to this unapproved location so have in effect created their own need for such a site

Tongham Parish Council: Object for the following reasons:

- the present turning onto the old A31 is very tight and traffic is fast (Officer note: the highway authority has assessed the access which serves an adjacent site and has raised no objection)
- the site is not sufficiently large enough
- the area as a whole has been inundated with new developments
- the Local Plan policies should not be overruled
- the land is equestrian, is opposite the AONB and is adjacent to Suitable Alternative Natural Greenspace
- references made in the supporting statement are not comparable to this application
- sufficient pitches area provided within this area

Area of Outstanding Natural Beauty Officer: No objection as the site could not be seen from the AONB to the south.

Natural England: Natural England: In accordance with an agreed position with Natural England, Natural England (NE) will not object to an Appropriate Assessment (AA) undertaken which concludes no adverse effects on the integrity of the TBHSPA due to measures being secured and required to be put in place through a legal agreement and accord with the provisions of the Development Plan and the adopted Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017. An individual consultation with NE will therefore not be required in these cases.

### **Third party comments:**

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

- contrary to policy (Officer note: this will be addressed in the report below)
- adverse impact on character
- the Local Plan policies should not be overruled
- the site is not located in a sustainable location and would rely heavily on the use of private vehicles (Officer note: this will be discussed later in the report)
- adverse impact on the setting of the AONB (Officer report: No objection has been raised by the AONB Officer)
- excessive hardsurfacing has been laid (Officer note: the level of hardsurfacing has been reduced in size whilst enabling the safe movement of caravans onto and off of the site)
- increase in surface water from the site onto neighbouring properties
- the injunction has been breached (Officer note: the injunction has now expired)
- proximity to Suitable Alternative Natural Green space (Officer note: a legal agreement will secure the required mitigation against the impact of the proposed development on the TBHSPA)
- the site is being used for dog breeding and other commercial activities (Officer note: this application is for residential use and must be assessed on its own merits, should a material change in use occur planning permission may be required)

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- loss of much needed equestrian facilities (Officer note: there is no policy requirement to retain paddocks)
- council tax is not being paid (Officer note: this is not a material planning consideration)
- the site does not have infrastructure to support the residents (Officer note: the applicants are currently on mains water and electricity)
- highway safety (Officer note: the County Highway Authority has raised no objection)
- waste is left on the side of the road (Officer note: the applicant has discussed waste collection with the Refuse and Recycling team; refuse will be collected at the entrance of the site onto the Hogs Back)
- the site is located within an Area of Outstanding Natural Beauty (Officer note: the application site is not located within the AONB)
- adverse impact on ecology (Officer note: this is addressed later in the report)
- the site is being used as a dump (Officer note: whilst a sign outside of the site had been erected relating to the dumping of material this did not relate to the application site and has been dealt with by the Council's enforcement officers)
- sufficient traveller sites have been provided within the plan period
- the applicants made themselves homeless when they gave up their previous site
- unauthorized works carried out to the entrance wall to the site (Officer note: this does not form part of the application site)
- light pollution (Officer note: this is discussed later in the report)
- noise and disturbance (Officer note: the application is for a residential site, should a statutory nuisance arise this would be dealt with by separate environmental protection legislation)
- loss of water pressure for neighbouring residents
- no cycle store or electric vehicle points shown (Officer note: a condition is recommended to secure these facilities)

### **Planning policies.**

#### National Planning Policy Framework (NPPF), 2021:

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

#### Planning Policy for Traveller Sites (PPTS), 2015:

The Government also published Planning Policy for Traveller Sites (PPTS) in August 2015. The overarching aim of the PPTS is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

For decision taking, the PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the

policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated site and  
e) that they should determine applications for sites from any travellers and not just those with local connections.

South East Plan (SEP), 2009:

NRM6: Thames Basin Heaths Special Protection Area.

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

The National Planning Policy Framework provides the following advice at para 48:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the Framework, the greater the weight that may be given)

Guildford's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies / parts of policies that are not subject to any proposed main modification should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further reconsideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a difference conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.46 years based on most recent evidence as reflected in the GBC LAA (2002). 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 222 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S2: Planning for the borough - our spatial development strategy

H1: Homes for all

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

P3: Countryside

P5: Thames Basin Heaths Special Protection Area

D1: Place shaping

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

ID3: Sustainable transport for new developments

ID4: Green and blue infrastructure

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

G1 General Standards of Development  
G5 Design Code

Emerging Local Plan Development Management Policies

P6/P7: Biodiversity in New Developments  
P8/P9: Protecting Important Habitats and Species  
P13: Sustainable Surface Water Management  
D4: Achieving High Quality Design and Respecting Local Distinctiveness  
D5: Protection of Amenity and Provision of Amenity Space  
D12: Sustainable and Low Impact Development  
ID11: Parking Standards

Supplementary Planning Documents

Draft Parking Supplementary Planning Document 2022 - Given the advanced stage of this document, considerable weight can now be attributed to this document  
Climate Change, Sustainable Design, Construction and Energy SPD 2020  
Guildford Landscape Character Assessment 2007  
Vehicle Parking Standards SPD 2006

**Planning considerations.**

The main planning considerations in this case are:

- background
- changes to the refused 21/P/01640 scheme
- the principle of development
- impact on the countryside
- countryside location
- impact on scale and character of the site and surrounding area and its setting and countryside location
- impact on strategic gaps
- the impact on neighbouring amenity
- highways and parking considerations
- impact on ecology and biodiversity
- the living environment
- sustainability
- Thames Basin Heaths Special Protection Area
- unauthorised development
- the Council's duty under other Acts
- planning balance

Background to this application

Application 21/P/01640 for a change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms, and the formation of a new access was refused for the following reasons:

- The development would result in the stationing of mobile homes with associated ancillary buildings and new access route within the countryside where development should be limited. The site is not sustainable in relation to accessibility for future occupants and will result in the

heavy reliance on private vehicle. The Council maintains an up-to-date housing land supply and has enough sufficient provision for traveller sites, as such there is no justification for the location of the proposal in the countryside. Therefore, the proposal fails to comply with policy P3 of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034, and the requirements of Chapter 15 of the National Planning Policy Framework, 2021, or the Planning Policy for Traveller Sites August 2015 (PPTS).

- The proposed development would, as a result of the extent of the hardstanding, intensity of development, and the proposed location and design of the new access, have a harmful impact on the character and appearance of the locality and would result in a feature which would be incongruous and detract from the countryside context and the setting of the Surrey Hills AONB and AGLV, contrary to policies P1, P3, H1 and D1 of the LPSS, 2015-2034, G5 of the saved Local Plan, and requirements of the NPPF, 2021.
- The proposal fails to demonstrate that the access shown on plans is capable of serving the development. As such, the proposal is contrary to policy ID3 of the LPSS, 2015-2034 and Chapter 9 of the NPPF, 2021.
- No information regarding sustainability has been provided with the application and as such without precise details the Council cannot be satisfied that the proposal is compliant with policy D2 of the LPSS, 2015-2034.
- The Council cannot be satisfied that either the development on site or the proposed development would not cause harm to protected species or that there is no net loss of biodiversity on site. In the absence of any ecological assessment of the site, the proposal cannot demonstrate that it would not result in harm to legally protected species and habitats contrary to policy ID4 of the Guildford borough Local Plan: Strategy and Sites 2015-2034, policies NE4 and NE6 of the Guildford Borough Local Plan (as saved by CLG Direction 24/09/2007), the NPPF, the PPG and the Wildlife and Countryside Act (1981) (as amended), Conservation of Habitats and Species Regulations (2017) (as amended) and Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006
- The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

#### Changes to the refused 21/P/01640 scheme

- The site no longer seeks to provide a new vehicular access from the Hogs Back to the site
- Greater landscaping is proposed on site
- The personal circumstances of the applicants of the site have now been provided

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- A Climate Change, Sustainable Design, Construction and Energy Questionnaire has been submitted

### The principle of development

Policy S2 of the Local Plan: Strategy and Sites 2015-2034 details that provision has been made for permanent pitches within the borough for Gypsies and Travellers and Travelling Showpeople (a total of 8 between 2017- and 2034) and states that 41 additional permanent pitches have also been allocated for those who do not meet the planning definition of travellers and four permanent plots for Travelling Showpeople who do not meet the planning definition.

Policy H1 of the Local Plan: Strategy and Sites 2015-2034 states that new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment. The Land Availability Assessment 2020 confirms that sufficient pitches and plots to meet the needs of the travelling community have been identified and that need for pitches for Gypsies and Travellers who meet the planning definition of travellers in both the short and longer term is currently being met.

The supporting text to Policy H1 also states that small-scale traveller sites are supported as it is believed that such sites will better integrate with the locality.

### Impact on the countryside

The application site lies within land designated as 'countryside' and as such policy P3 of the LPSS, 2015-2034, is relevant. This policy states that:

(1) Within the area of countryside, as designated on the Policies Map, development will be permitted provided it:

- a) requires a countryside location or where a rural location can be justified, and
- b) is proportionate to the nature and scale of the site, its setting and countryside location, and
- c) does not lead to greater physical or visual coalescence between the (i) Ash and Tongham urban area and (ii) either Aldershot or Ash Green village.

Therefore, these factors will form the basis of the assessment below.

Further, the PPTS, 2015, states at paragraph 25 that:

'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'.

### Countryside location

Chapter 15 of the NPPF places importance on recognising the intrinsic character and beauty of the countryside. For this reason the Council's Local Plan seeks to limit any development within the countryside unless it can be demonstrated that it is necessary in that location and contributes positively towards the rural economy.

It is not uncommon for gypsy sites to be located within the countryside; however, it is noted that there is no particular justification for the applicants to be sited on this particular site within the countryside and as such the application would fail to meet this requirement of Policy P3. The benefits of the site's location are however discussed below.

Whilst it is noted that concern was raised with regard to the sustainability of the location on the refused 21/P/01640 scheme, it is important to note that the PPTS states that authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements. Whilst the application site is not located within an existing settlement but in the open countryside, it is not located in open countryside that is away from existing settlements being located just 340m as the crow flies to the urban area of Tongham.

The site is located off the Hogs Back which is served by a pavement which runs all the way into Tongham which is served by a local shopping centre with a local convenience store 15 minutes walk from the site. A petrol station with a retail element selling goods to meet day-to-day needs is also located on the Hogs Back within a 20 minute walk. Tongham is also served by a primary school with Ash Manor Senior school and nurseries also located within Tongham and nearby Ash. Whilst it is noted that the route to these destinations are not lit at night, this is not a unique situation within rural areas where you would not expect illumination at night.

A bus stop is located immediately opposite the application site, however, it is no longer in use; and as such it is likely that the occupants of the site would predominantly rely on private vehicles as the occupants of the existing dwellings which currently run along the Hogs Back are also likely to do. However, as there are facilities within the local area that could easily be accessed by foot or bicycle, occupants of the site would not need to rely on private vehicles and a condition is recommended to secure the provision of covered bicycle stores on site to encourage the use of more sustainable modes of transport.

The application site is also located between, but set back from, a linear form of residential development that lines the Hogs Back with a greater density of dwellings to the east, reducing in density further to the west as the area becomes more rural in character; as such the site would be situated within an area of existing residential development and not in an isolated location within the open countryside that is away from existing settlements.

The proposed development seeks permission for only four pitches, each of a similar size to the residential plots to the east; and even in combination with the pitches at Ipsley Lodge to the south of the application, the number of pitches is limited and as such would respect the scale of, and not dominate, the nearest settled community and due to their limited number would avoid placing undue pressure on the local infrastructure.

#### Impact on scale and character of the site and surrounding area and its setting and countryside location

Paragraph 26 of the PPTS sets out in a) to d) relevant considerations on the effective use of land, environmental enhancements, promoting healthy lifestyles and preventing isolation.

Paragraph 170(b) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Policy D1(6) of the LPSS advises 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.

The site is not located within the AONB or AGLV, however, it is noted that these designated areas are located further to the south of the application site. The Surrey Hills AONB Management Plan 2020-2025 has planning management policies to ensure that new development enhances local character and the environmental quality of its nationally important setting.

Policy P1 seeks to conserve and enhance and to maximise the special landscape qualities and scenic beauty of the AONB and development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself.

The site falls within the Hog's Back Chalk Ridge landscape character area (character area B1) as defined by the Landscape Character Assessment (LCA) and Guidance.

The key characteristics of this landscape character area are:

- Steeply rising slopes of the North Downs forming a dramatic chalk ridge.
- There are large fields of arable and pasture on the slopes with woodland blocks particularly to the east and small areas of chalk grassland along the ridge top.
- Sparse settlement pattern of hamlets, scattered farmsteads and substantial houses.
- A historical line of communication and defence with numerous vantage points
- A peaceful rural landscape providing panoramic views from the rising slopes and ridge top and forming a backdrop to the surrounding lower land and to Guildford.

The application site is relatively typical of this landscape due to the sparse pattern of development and wide-ranging views across the landscape.

The most relevant landscape guidelines for the Hogs Back Chalk Ridge Character Area include:

- Conserve the sense of a rural, sparsely settled area with limited visible development.
- Maintain the existing dispersed pattern of settlement and the character of the small hamlets and farmsteads at the foot of the slopes avoiding the spread of villages up the slopes of the ridge.
- Oppose the erection of further tall vertical structures such as telecom masts on the ridge top where they will be visually dominant and potentially impact on important views from Guildford and where they would adversely affect views from the wider landscape. Aim to utilise existing masts in preference to the erection of new ones.
- Consider the impact of development in adjacent areas (such as Puttenham) in views from the ridgeline. Maintain the rural setting and containment of villages at the foot of the ridge.
- Protect landscape character and quality from further negative impact of transport networks including the introduction of signs, gantries and lighting columns that impact on local distinctiveness, and work to foster local distinctiveness where standard design criteria creates a lack of variation and 'urbanisation' of rural roads.
- Ensure that the development of the A31 and associated signage, lighting, services and recreational opportunities is sensitive to the visual dominance of the ridgeline in views from below so that development does not detract from the rural character of the area.
- Promote landscape benefits in road design, construction and mitigation and resist fragmentation of habitats and promote nature conservation schemes and maintenance, which enhance the contribution of verges and road boundaries to biodiversity and screening.
- Conserve the rural roads minimising small-scale incremental change such as signage, fencing or improvements, which would change their character.
- Ensure that road lighting schemes are assessed for visual impact and encourage conservation of the existing 'dark skies' on the ridge slopes and skyline.
- Promote the use of traditional signage features with particular regard to local style and materials.



- Promote appropriate management of car parks and rest areas by land owners and support sense of ownership through the encouragement of stakeholder or local community adoption of areas.

The proposal introduces development into a previously open undeveloped area of countryside. Significant areas of hardstanding within the pitches have already been laid on the site which are harmful to the immediate landscape character and detract from the open and green nature of the site. However, during the course of consideration of the application an amended plan has been received reducing the level of hardstanding and increasing the level of landscaping which would still enable the safe movement of mobile homes onto and off the site as necessary whilst maintaining a largely soft landscaped site. The number of pitches proposed is limited and as such would not introduce a level or density of development that would alter the rural character of the area, which would be maintained.

The site, whilst benefiting from trees along the northern and western boundaries of the site, is relatively open to the wider landscape. However, due to the proposed location of the mobile homes and day rooms (which are relatively modest in scale) towards the northern end of the site where existing boundary trees are present and where additional planting is proposed, the mobile homes would not be apparent from views from the north. Similarly, as the mobile homes would be set back within the site, they would not be visible from longer distance from the Area of Outstanding Natural Beauty (AONB) to the South. The AONB Officer who was not consulted on the earlier 21/P/01640 application also raises no objection to the proposed development as the site is not visible from the south.

Furthermore, due to the ground levels which rise from the Hogs Back to the application site and the intervening paddocks and the trees / hedges located along the Hogs Back, at there would be no appreciable public visual impact from the proposed development. As the proposal seeks to utilise the existing access which serves Ipsley Lodge, off the Hogs Back, there would again be no additional road required to access the site limiting the impact of the proposal on the countryside further.

Due to its rural location and position on a ridge, the impact of external lighting has the potential to result in light pollution, predominantly sky glow, and whilst the mobile homes would be set back within the site, reducing the impact when viewed from more sensitive views from the south, a condition is recommended to control external lighting to ensure it is directed downwards to limit this impact.

The proposed development is therefore considered to be of an appropriate scale for this countryside location, and whilst it would result in changes within the site itself which would result in some harm, the level of soft landscaping and low density of the development proposed would ensure that the rural character of the site is maintained. Furthermore, the proposal would have a very limited visual impact on the wider countryside or on views into or out of the AONB and would not conflict with any of the landscape character guidelines for the area. As such it is considered that whilst some harm would occur as a result of the hardsurfacing and presence of mobile homes and day rooms, this harm would be limited.

#### Impact on strategic gaps

The development is contained within the immediate vicinity not extending further than the established line of trees and vegetation to the north, beyond this there is an absence of development. Therefore, and notwithstanding other assessment upon scale and character, the proposal in itself would not result in any greater physical or visual coalescence between either the Ash and Tongham urban area or Aldershot or Ash Green village

### The living environment

The site is located in a residential area away from a busy road or commercial premises and is therefore considered suitable for its intended use. Each pitch would have sufficient room to accommodate a static mobile home and tourer and would also benefit from a landscaped amenity area for children to play as well as a parking area. As such it is considered that the living environment would be acceptable.

### The impact on neighbouring amenity

The proposed mobile home pitches would be approximately 65 metres from the closest neighbouring residential property which is a new dwelling located to the east of the application site. The proposal would be located over 100 metres from Ipsley Lodge, comprised of 9 flats. Therefore, the separation distance between these residential units is sufficient to prevent any loss of amenity. The proposal is not considered to have any adverse impact in terms of loss of light, loss of privacy, noise or overbearing impact and would therefore comply with saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF, 2021.

### Highways and parking considerations

The application seeks to share the existing vehicle access which is used to serve Ipsley Lodge Stables, a site just to the south-east of the application site. The County Highway Authority is satisfied that the access off the Hogs Back would be sufficient to meet the needs of the applicants and do not consider that the proposal would result in a significant increase in vehicular trips on the surrounding network; and as such do not consider that the proposal would have a material impact on highway safety. The proposal is therefore acceptable in this regard subject to conditions.

### Impact on ecology and biodiversity

The applicant has not submitted an ecological impact assessment with this application, and as such it has not possible to assess the impact of the proposed development on legally protected species and the biodiversity value of the site. It is noted however from aerial images, that the site was used for grazing prior to the current occupiers developing the site and as such it is unlikely that this site in equestrian use would have been particularly rich in biodiversity. However, any habitats that may have been in existence would have already been adversely impacted when the site was cleared and hard surfacing laid and continued as the unauthorised occupation of the site intensified, preventing any re-wilding to take place.

It is noted that the applicants have already carried out some planting on site and seek to introduce further measures to improve the biodiversity of the site including the introduction of bat boxes, bird boxes, reptile refugia and the planting of native hedges. However, Policy ID4 of the Local Plan requires all development to improve the biodiversity on site; as such a condition is recommended to ensure a baseline for the ecological value of the site prior to being occupied is established, in order that appropriate mitigation, along with biodiversity enhancements are secured for the site.

A condition is also recommended to secure to secure the details of any external lighting so that the impact of any bats in the area on this ridge is minimised.

### Sustainability

A Climate Change, Energy and Sustainable Development Questionnaire was submitted during the course of the application. Whilst the questionnaire was not designed for applications for a change of use for the siting of caravans and as such is difficult to apply to caravans, it has been completed where possible. It is noteworthy that caravans are a low waste form of dwelling given that they are built under factory conditions and that their transient nature would enable them to be sited such that best use would be made of solar gain.

The completed questionnaire states that the hardstanding works were undertaken in 2020 but that the material used was recycled construction waste which had been screened prior to importation and any further material required will be sustainably sourced where possible. Water harvesting could be incorporated into the scheme and soft landscaping and permeable surfaces on the site have been maximised. Renewable energies could be utilised to reduce the carbon requirement of the development.

The Council is therefore satisfied that the proposal is compliant with policy D2 of the LPSS, 2015-2034 and policy D12 of the Draft Guildford Borough Local Plan: Development Management Policies 2022.

### Thames Basin Heaths Special Protection Area

The application site is located within the 400m – 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes four static caravan pitches and as such has the potential, in combination with other development, to have a significant adverse impact on the protected sites. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development. In this instance the development requires a SANG and a SAMM contribution which should be secured by a Legal Agreement.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

As part of the application process the Council has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. In line with standing advice from Natural England, no objection is raised to an Appropriate Assessment undertaken which concludes that there would be no adverse impact on the integrity of the SPA due to measures being secured and required to be put in place through a legal agreement and accord with the provisions of the Development Plan and the adopted SPD 2017.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

#### Unauthorised development

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 part 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 limited degree.

#### The Council's duty under other Acts

##### Human Right Act

It is recognised that the occupiers of the site have a right to a home and family life under Article 8 of the European Convention on Human Rights. Article 8 is a qualified right and may be interfered with in accordance with the law and if it necessary in a democratic society. Any interference with the right must be proportionate to the legitimate public end.

##### Rights of the child

Article 3.1 of the United Nations Convention on the Rights of the Child is also relevant and states 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'. These are therefore an important material consideration in any planning decision to which significant weight should be given..

##### The Council's duties under the Equality Act 2010

Section 149(1) of the Equality Act 2010 provides:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Public Sector Equality Duty the Council has a positive obligation to act so as to facilitate the gypsy way of life, but there is no duty to guarantee it in any particular case.

Planning balance

Policy H, paragraph 24 of the PPTS requires five criteria to be considered with planning applications for traveller sites:

a) the existing level of local provision and need for sites

The Council currently has a 5-year supply of sites that has met the required target for travellers that meet The Annex 1 PPTS definition which states that:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

It should be noted that in a recent judgment in *Smith v Secretary of State for Levelling Up, Housing & Communities & Anor* [2022] EWCA, the Judges found the above definition to be discriminatory against those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan and that this discrimination was inextricably linked to their ethnic identity.

Whilst the definition of travellers in the PPTS has not been amended to take account of this judgement, this is a material consideration. However, the Council's Land Availability Assessment goes beyond the requirements of the PPTS and identifies sufficient sites to meet the need for all traveller accommodation (including travellers who do not meet the PPTS definition and those travellers of unknown planning status) over the plan period (2015 - 2034).

b) the availability (or lack) of alternative accommodation for the applicants –

The Council's need for Traveller accommodation is set out in Policy S2 and states that there is a need for a total of 53 pitches to meet the needs of travellers up until 2034. Since January 2017 a total of 32 pitches have either been granted planning permission, built out or can be built out with the benefit of an extant permission. A further 21 pitches therefore need to be provided to meet the identified need. Whilst there are three public sites within the borough with a total of 41 pitches there are currently no pitches available and there is a waiting list of 20 people to occupy one of these pitches. The Land Availability Assessment also identifies that only 11 pitches are likely to be available over the next five-year period.

Whilst it is noted that there is an extant permission for 2 pitches at a private site in Ash (following permission being granted for 4 pitches and only 2 of them being built out) this would be insufficient to meet the pitch numbers required by this application and, as this site is a private site, there is no expectation that these would be available for the applicants of this application.

As such if permission were to be refused, this is likely to result in the applicants having to lead a roadside existence. Indeed, the applicants have submitted details of their personal circumstances and confirm that should permission not be granted, this would likely result in a roadside existence for them and their families.

c) other personal circumstances of the applicant –

The personal circumstances of the individuals on site have been provided. There are currently a total of nine adults and 8 children on site, with another child expected soon. All of the pitches currently have children residing on them with three of the four pitches with young children, some of whom are nursery or school age and attend age-appropriate educational settings in nearby Tongham and Ash. One of the residents is currently under medical supervision.

The occupants of three of the pitches travel for work, with the occupants of the fourth pitch supported by their family members. The occupants of one of the pitches have stated that they attend and trade at fairs such as the Appleby fair and has referred to their aversion for living in brick and mortar housing. There is a general desire amongst the occupants of the site to live a more settled lifestyle and provide / continue to provide education for their children and those of appropriate age and it has been confirmed that these children are attending local settings.

The occupants confirm that they have been living a roadside existence or have been doubling up on family plots for a number of years prior to occupying this site with one occupant confirming that they were on a waiting list for a Council owned pitch but was informed that it would likely around 10 years before a pitch became available in Chertsey.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites – the site would meet the criteria set out in policy B paragraph 13 of the PPTS in that the site:

- being small in scale would promote a peaceful and integrated co-existence between the site and the local community
- would allow access to appropriate health services with local GP offices and a hospital within a short distance at Frimley
- ensure that children can attend school on a regular basis due to its close proximity to Tongham and Ash schools and nurseries where children are already enrolled
- provide a settled base that reduces the need for long-distance travelling which would be in line with one occupant who seeks to limit his travel due to having a young family
- reduces possible environmental damage caused by unauthorised encampment by providing a settled base
- provides for proper consideration for the effect of local environmental quality on the health and well-being of the travellers that may locate there or on others as a result of new development as is located away from busy roads and commercial premises and due to the nature of the proposed residential use and the limited pitch numbers would ensure the impact on others is limited
- would avoid placing undue pressure on local infrastructure and services as the proposal is for a small number of pitches and no objections have been received in this regard
- is not located in an area at risk of flooding as it is located on a ridge in an elevation position within the landscape

No commercial use is sought on the site under this application and whilst living and working from the same location thereby omitting many travel to work journeys would contribute to sustainability, any material change of use on the site would need to be assessed against the relevant planning policies. Excluding this last point, which is not relevant to this application, the site would meet the criteria set out in policy B paragraph 13 of the PPTS.

e) that they should determine applications for sites from any travellers and not just those with local connections –

One occupant has made reference to having local connections, however, this application will assess the needs from all of the occupants on the site and not just the occupant with local connections.

The aspects that weigh against the proposal are examined below:

- Countryside

The development would result in the stationing of mobile homes with associated ancillary buildings and hardsurfacing within the countryside where development should be limited and as such would result in some visual harm. The site, due to its location away from public transport, would also result in occupants relying to some degree on the use of private vehicles. There is no justification for the requirement for the proposal to be on this particular site. The Council maintains an up-to-date housing land supply and has enough sufficient provision for traveller sites within the plan period, as such there is no justification for the location of the proposal in the countryside. This harm is afforded substantial weight.

Matters which weigh in favour of the application:

- Alternative site

This is a retrospective application and as such the family groups would need to leave their current site if this application is refused. Whilst the Local Plan makes provision for sites to come forward over the plan period, not is not expected that any public sites will become available in the short term and as such the families may end up homeless. Therefore, this matter carries significant weight in the balance.

- Personal circumstances

The applicants and their families have a right to a home and family life under Article 8 of the European Convention on Human Rights and the access to education, health and other services. Furthermore, the best interests of the child would be affected in the event that planning permission was refused if forced to live on a roadside encampment. However, this does not outweigh the harm to the planning policies especially the protection of the countryside.

Taking all the above into account, it is concluded that the substantial harm to the countryside would not be outweighed by the lack of any other sites, the human rights issues and the best interests of the child to justify the grant of full planning permission.

In addition to the above the Council must consider whether it would be appropriate to grant either a personal permission or a temporary permission.

Personal permission

If permission were granted with a personal restriction this would affect the balancing exercise. However, it would not reduce the weight afforded to the harm identified.

### Temporary permission

As noted above the lack of sites in the shorter term carries significant weight and given that any harm to the countryside would be temporary with the reinstatement of the land to paddocks readily achieved, then the level of harm in this respect can be reduced slightly. The personal circumstances of the occupants, in particular those pertaining to the children and their continuing need to attend educational settings, as well as the needs of the occupant currently under medical supervision, would weigh in favour of granting temporary permission.

### Balancing exercise

It is therefore considered that the combination of the lack of available sites in the short term, the education and medical needs of the existing occupants of the site and the likelihood of the occupants having to lead a roadside existence which would not be in the best interests of the children, together the ability to reinstate the land to paddocks with relative ease following the cessation of a temporary permission, would justify tipping the balance in favour of granting a temporary and personal permission to the occupants of the site for a limited time period after which it is expected that authorised sites will be available.

### Conclusion

The Council has conducted a full balancing exercise and concluded that full planning permission should not be granted. In reaching this conclusion the Council has had regard to interference in their human rights and the Public Sector Equality Duty on the family's ability to live their traditional way of life, as well as to their opportunities to access education, health and other services. In this case, the interference is necessary to control the use of the site in the general public interest, the objectives of countryside planning policy and highway safety. It would not be disproportionate.

However, taking into account the personal circumstances of the occupants on site and taking into consideration the best interests of the children, it is considered that a temporary and personal permission is granted in order for sufficient time to pass for the provision of authorised sites, subject to the imposition of conditions and a legal agreement to secure the necessary mitigation against the impact of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area.



## Planning Committee

1 February 2023

### 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](mailto:sophie.butcher@guildford.gov.uk))

#### 1. Ms Sally Dean

15 Shepherd's Hill, Guildford, GU2 9RY

22/P/00708 – The development proposed is the erection of a boundary fence.

Delegated Decision – To Refuse

Decision – ALLOWED

#### Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of its surroundings.
- The appeal property is a semi-detached dwelling set within a large residential estate. The pair is sited at the base of a triangle formed by the two branches of the highway that runs alongside them on either side. The timber fence is supported by concrete post and has been erected mainly along the flank highway frontage of the appeal property, but also along short stretches around the corners of the plot. A pedestrian access door has been inserted in the fence, coinciding with the main door of the house which is sited in the side elevation.
- I fully understand the need for a form of enclosure since otherwise, given the shape of the plot and its orientation, the dwelling and its garden would enjoy little or no privacy or security. I understand that the boundary was hedged in the past.
- The Council is concerned that the length of fence erected in what it considers to be a prominent position is such as to render it unduly dominant and incongruous, failing to respect the character of the surrounding area. The Council acknowledges that some timber fencing exists '*in sight of the appeal property*', albeit none is as sizeable as that subject of appeal.
- I explored more of the surrounding area and found a wide variety of means of enclosure throughout the estate, including significant stretches of timber fencing of different types. I could not therefore reasonably conclude that the fence erected was uncharacteristic of the area.
- I noted too that the fence was comprised of good quality materials, and that trees have been newly planted within the garden border inside the fence at the western end. Foliage can already be seen above the hedge and in time, as they grow, the trees will assist in softening the impact caused by the newness of the fence. I consider that a similar level of tree planting

within the garden of an appropriate species would assist in a like manner towards the eastern part of the site. This mitigation could be achieved by condition.

- On balance I conclude that, with appropriate mitigation, the retention of the fence would not harm the local street scene to the extent that permission should be withheld. Accordingly, no conflict arises with those provisions of policy D1 of the Guildford Borough Local Plan 2015 - 2034 saved policy G5 of the Guildford Borough Local Plan 2003 directed to ensuring that development reflects and reinforces the identity and character of an area.
- Since the development has taken place, the Council does not consider that any conditions are necessary, should permission be granted. However, for the reasons set out above, and in the interests of visual amenity, I shall impose conditions directed to the provision of additional planting designed to assist in acceptably mitigating the effects of the fence.
- All other matters referred to in the representations have been taken into consideration, including the references to the National Planning Policy Framework, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

## **2. Mrs Karen McCarthy (It's The Dogs Ltd)**

### **Land East of Ripley Lane, West Horsley, Leatherhead, KT24 6JT**

**20/P/01359** – The development proposed is the change of use of land from agriculture to a use for the walking, day care and training of dogs.

Officer Recommendation: To Approve

Planning Committee 6 October 2021 – Refused

Decision - ALLOWED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the development is inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the impact of the development on the character and appearance of the surrounding area; and
- the impact of the development on the living conditions of the occupiers of neighbouring dwellings with regards to noise.
- The appeal site, an open field which has been divided into two separate areas with access from Ripley Lane, is located in a rural area within the Green Belt. The development is for a change of use of the land from agricultural to the walking, day care and training of dogs. As part of this change of use fences have been erected to subdivide the site and the submitted plans show several allocated car parking spaces for those using the facilities. No other development has been included as part of this appeal.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Paragraph 150 of the Framework also indicates that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In paragraph 150 (e) this includes material changes of use of land, which, as a change of use, the appeal development would fall under.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2014 (the LP) 2019 similarly states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Therefore, this policy is consistent with the Framework.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in

itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.

- The appeal site is open and rural in appearance with no buildings and does not appear significantly different to its previous agricultural use. The fencing erected to subdivide the site is similar to what could be expected from an agricultural use, to contain livestock. Any equipment on the appeal site associated with the use, such as containers for drinking water, would also not be wholly out of keeping with the existing use.
- It is noted that the change of use may have resulted in an intensification in the use of the site, with more comings and goings by vehicles and more people visiting the site during the hours of operation. However, the vehicle parking on the appeal site is limited and the appellant and Council have stated that a maximum of 22 vehicles would be on the site over the course of the day. Due to its location, it is unlikely that the site is accessed in any other way. Therefore, the amount of people/dogs and vehicles on the site at any given time is minimal and could be considered similar to the existing agricultural use, which would have been typically occupied by much larger agricultural machinery.
- The appeal site is visible from Ripley Lane and a byway to the east of the site. However, views from these vantage points are partially blocked by existing trees along the boundaries. Nevertheless, as the change in the appearance of the appeal site is limited, the change of use does not have a visual impact on the openness of the Green Belt. Similarly, as there is no additional built form on the appeal site, above what would be expected from its current use, the change of use would also not have a spatial impact on the openness of the Green Belt.
- The Council do not contend that the change of use would conflict with the purposes of including land within the Green Belt. From the list stipulated within Paragraph 138 of the Framework, outlining the purposes of the Green Belt, I agree with this finding.
- Therefore, the change of use would not be inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 150 (e) of the Framework. It would also accord with Policy P2 of the LP which seeks to protect the Green Belt.
- The West Horsley Neighbourhood Plan 2016-2033 (the NP) 2018 identifies 'Character Area 6 – Long Reach – West Side' as the farm-land to the west of Long Reach that lies wholly within the Green Belt and largely comprises open farm-land. The appeal site would fall within this character area, and I consider that the open and rural nature of the original use of the appeal site would have been in keeping with and contributed positively to this character area.
- As outlined previously, the nominal physical changes to the appeal site ensure that it retains its open and rural appearance, which would not be significantly impeded by the presence of additional fencing. Particularly as the fencing is similar in scale and appearance to that used in a typical agricultural setting. Any dog-related paraphernalia or vehicle parking on the appeal site, associated with the use, is temporary in nature and minimal in scale. As such, this would not significantly alter the character and appearance of the appeal site or the surrounding area from its previous agricultural use.
- The appeal site is bounded by trees to the south and east and, although localised views are possible from the adjacent road and byway, any wider views of the site are largely blocked by these natural boundaries. The NP states that Character Area 6 incorporates sweeping views to the north towards the North Downs Area of Outstanding Natural Beauty (AONB). I am not persuaded that the minimal changes to the appearance of the appeal site and its self-contained nature would detrimentally affect the views of or the setting of this AONB. The change of use also has a limited impact on the views east from Ripley Lane, as identified within Policy WH3 (iii) of the NP, which is largely blocked by trees and hedging adjacent to Ripley Lane.
- It is noted that a laurel hedge has been planted at the front of the appeal site as part of the development which, as a non-native species, appears out of keeping in this rural environment. However, due to its location, the hedge has limited visibility from the public

realm and therefore it would not have a significant impact on the character and appearance of the area. Furthermore, this could be planted on the appeal site regardless of the change of use. Any references made to a storage container or hardcore, and its impact upon the rural nature of the appeal site, do not form part of the development which is the subject of this appeal. Therefore, I have not taken these factors into consideration.

- Consequently, the change of use does not harm the character and appearance of the area and does not conflict with Policy D1(4) of the LP or Policy WH3(i) of the NP. These policies seek to ensure that all new development is designed to reflect the distinct local character of the area and preserves the essential open field and woodland character. The change of use would also accord with the general design objectives of the Framework.
- The appeal site is surrounded by open fields to the north, trees and a byway to the east, a small, wooded area to the south and Ripley Lane to the west. The nearest residential properties are located on Ripley Lane and Silkmore Lane to the south of the appeal site. The Council have stated that the nearest dwelling, Hambledon Cottage, is approximately 285 metres from the appeal site. There are also dwellings located on Silkmore Lane and Long Reach, however these are further in distance from the appeal site. I noted on my site visit that due to the rural surrounds, the area is relatively quiet with low levels of ambient noise. However, some intermittent noise is generated from cars passing by on Ripley Lane, which is relatively busy with fast moving traffic. It is also noted there is a train line to the south of the appeal site which would also generate some noise from passing trains.
- A noise impact assessment was undertaken by the appellant, surveying noise levels in four locations around the appeal site. As the site is currently being used for dog walking and day care, the surveys were able to capture the noise from the site in its current use, for which planning permission is sought. The assessment, in accordance with BS 4142, found that the resultant rating level would be below the adopted background sound level. It also states that the sound of barking was found to be barely, and only occasionally, audible in the vicinity of the nearest residential properties.
- The current use would clearly generate noise, from barking dogs and vehicle movements, on more regular occasions than this existing use as agricultural land. However, the closest neighbouring properties are located some distance from the appeal site and already experience some noise activity from passing cars and trains. Furthermore, the well-established woodland to the south of the site, although not substantial in size, would assist in acting as a natural sound barrier between the appeal site and nearby dwellings. It is noted that the Parish Council have received noise complaints in relation to the development and that the noise generated from this use may, on occasion, be audible to the occupiers of nearby dwellings. However, from the evidence provided within the noise impact assessment and my observations during my site visit, I do not consider that this noise would be overly loud or constant from the nearby properties identified.
- The use of the site as a dog walking/day care facility would operate between 08:00 and 19:00. This could be secured by condition to ensure the appeal site is not used outside of these hours where the noise may be more perceptible to the occupiers of neighbouring dwellings. It has been highlighted that other facilities in the surrounding area have shorter opening hours. However, given the limited impact upon the occupiers of neighbouring dwellings, I do not consider that these operating hours are excessive.
- Information and photographs have been provided by the Parish Council in relation to a large number of dogs and people present at the appeal site on 27 February 2022. However, to prevent this from occurring, a condition could be implemented to restrict the number of dogs on the appeal site at any one time during operational hours. This would minimise the impact upon the occupiers of nearby dwellings from the increased noise levels which result from large groups using the appeal site.

- Although it is unlikely that the behaviour of dogs and the noise they make could be fully controlled when using the site, a noise management plan has been submitted by the appellant highlighting the actions that could be taken to manage noise on the appeal site. This includes ensuring that dogs are supervised at all times and ensuring external visitors are greeted on arrival. Whilst these measures would not prevent the noise generated from barking dogs, they would ensure that the appellant is mindful of the noise which the site is generating and help them to reduce it where possible. Therefore, a condition has been included to ensure compliance with this noise management plan.
- In conclusion, I find that the change of use does not harm the living conditions of the occupiers of nearby dwellings and does not conflict with Policy G1(3) of the Guildford Borough Local Plan 2003. This policy states that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of noise.
- It has been found that the change of use is not inappropriate development in the Green Belt, falling under the exception in paragraph 150 (e) of the Framework. It also preserves the visual and spatial openness of the Green Belt. Furthermore, the change of use does not harm the character and appearance of the surrounding area or the living conditions of the occupiers of nearby properties in relation to noise.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

### **3. Watkins Jones Group and Gilitas Limited**

#### **Lantern House and Carriage House, Walnut Tree Close, Guildford, GU1 4TX**

**21/P/00956** – The development proposed is redevelopment for a mixed-use scheme comprising a part 5 and 6 storey building including purpose-built student accommodation bedrooms (use class sui generis) and 683.75m<sup>2</sup> of commercial office space (use class E) at the ground floor to be provided as incubator space. Alongside the provision of, a landscaped courtyard area, and provision of 4 no. disabled parking spaces and cycle parking for both the student and commercial use following demolition of the existing buildings (as amended by plans and information received on 05/08/2021, 25/10/2021 and 08/11/22).

Delegated Decision – To Refuse

Decision – ALLOWED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposed development would result in the loss of employment floorspace on a designated strategic employment site in the Borough; and
- The effect of the proposed development on the area's character and appearance, including the neighbouring Compton House site.
- The appeal site comprises of 2no. two storey commercial office buildings located within a designated strategic employment site within the Guildford Local Plan 2019 (Local Plan).
- Policy E3 of the Local Plan seeks to protect the strategic employment sites within the Borough. Parts 10 and 11 of the Policy requires applications that involve the redevelopment or change of use to a non-employment use to submit evidence of active and comprehensive marketing of the site for its current use for a continuous period of at least two years for a strategic employment site. Evidence of active and comprehensive marketing of the site, as defined in Appendix 4 of the Local Plan, should also include alternative B class employment use and other employment generating uses, before change of use to residential or other use with no on-going employment use will be permitted.
- Whilst the proposed development shown on the amended plans would provide an element of commercial office space (use class E) at the ground floor level to provide as incubator space, it is common ground between the appellant and the Council that the proposed

development would result in the loss of employment space from the designated strategic employment site and that evidence of active and comprehensive marketing of the site for a continuous period of at least two years is required in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan.

- The appellant in their submitted evidence considered that they have demonstrated that the site had been marketed for a continuous period of 20 months since April 2021 in accordance with the Policy requirements. The appellant in their evidence and at the hearing indicated that, during the marketing, they had received no genuine interest or offers for either the leasehold or freehold interest in the property for its continued use as offices or alternative suitable B class and other employment uses. They indicated that the main enquiries have been from residential developers, predominantly for the residential redevelopment of the site.
- The appellant questioned the suitability of the site for continued office and employment use. Given the surrounding residential uses, the current one-way traffic system in operation and its location, they considered it was unattractive to such uses and had insufficient critical mass as a key office location. The appellant also questioned the suitability of the appeal site on the basis that it formed part of designated Industrial (B1c, B2 and B8) strategic employment site as opposed to a strategic employment site designated for office and Research and Development use within the Local Plan.
- The Council, however, consider that insufficient marketing has been undertaken and that it has only been marketed for a period of nine months in accordance with the requirements of Policy E3 and Appendix 4 of the Local Plan. The Council also argued that the site provided a suitable location and opportunity for the continued commercial office use in this location.
- However, fundamentally these complications and the dispute between the parties over the difference in the scope and the time period for the marketing and the suitability of the site for continued commercial office use in this location are not crucial to my determination of the appeal. Both parties agreed that there is a partial breach of the Policy E3, relating to the policy requirement for active and comprehensive marketing of the site for a continuous period of at least two years and I have no reason to disagree with this assessment based on the evidence before me.
- Consequently, I conclude that the proposal would result in the loss of employment floorspace on a designated strategic employment site that has not been fully justified in this case. I find conflict with Policy E3 of the Local Plan as set out above, which includes the requirement for a comprehensive and active marketing exercise for a continuous period of at least two years for its current use and alternative suitable B class and other employment uses before the change of use to residential will be permitted for a strategic employment site.
- The appeal site comprises of 2no. vacant two storey commercial office buildings with associated surface car parking areas at the rear located on the north-western side of Walnut Tree Close. The immediate area is mixed use in character with a mixture of office accommodation, residential apartments and Purpose-Built Student Accommodation (PBSA) of varying heights and designs and does not have a clearly defined architectural character.
- The appeal site is bordered by Compton House a two storey commercial premises to the south-west and Riverview, 2/3 storey office buildings to the north-east. An elevated railway line is located to the north-west of the site. A number of the large scale 4/5/6 storey residential apartments and PBSA are located on the opposite side of the road and 4 to 8 storey PBSA located further to the south-west and south of the site. These buildings, that have been constructed in recent years, show an emerging character of taller residential and PBSA buildings being built in the surrounding area.
- The significance of the surrounding buildings are derived from their substantial scale and modern design covered in large expanses of brick, metal cladding and render, which contrasts with the lower, brick built commercial office buildings on the appeal site and

adjacent sites at Compton House and Riverview. This provides a varied context and palette of materials in the immediate surroundings.

- The proposal shown on the amended plans would involve the demolition of the existing buildings and the construction of 3no. part 5 and part 6 storey buildings built around an internal landscaped courtyard with an element of commercial office space at the ground floor level and PBSA above. The large-scale buildings would be set back from the road and constructed with a staggered built frontage with double height arched colonnades at ground floor within the buildings fronting onto Walnut Tree Close. The external finish of the buildings would be predominantly constructed from red/brown brick with high levels of vertical glazing with horizontal brick banding, top floor brick detailing and a series of valleyed pitched tiled gabled roofs.
- Whilst the proposed buildings would be taller than the adjacent buildings at Compton House and Riverview, the overall height and bulk of the building has been reduced during the pre-application and planning application process. The scale and massing of the proposed five and six storey buildings would be seen in the context of the current varied architectural styles around the proposed buildings and in the surrounding area, including the modern large scale residential apartments and PBSA on the opposite side of the road and further to the south-west and south of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene, nor would it appear out of place when taking into account the overall character of the area.
- Turning to the layout of the development. The layout of the development has been subject of a master planning process to look at the site and its relationship to the adjacent sites at Compton House and Riverview. Compton House is subject to a current planning application, that is yet to be determined, for a PBSA building of a similar scale to the appeal proposal. The appellant and landowners of the adjacent site, at Compton House presented in their evidence and at the hearing, that they worked constructively together through the master planning process to allow for the comprehensive redevelopment of the appeal site and the adjacent sites.
- The layout and design of the development shown on the amended plans, accords with the submitted master plan. Block A would be set back from the side western boundary of the adjacent Compton House and would be designed with oriel windows on the western elevation to mitigate overlooking. Blocks B and C would be separated, to reduce the massing of the buildings and built with a staggered built frontage to match the existing street pattern in the area.
- Against this backdrop, the scale, layout and design of the proposed development would not look out of place or excessive in relation to the existing and emerging built form of the adjacent properties. The design and layout of the proposed development, set back and staggered, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would not have a significant impact on the character and appearance of the surrounding area.
- Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area, including the neighbouring Compton House site. It would not conflict with Policy D1 of the Local Plan and Policy G5 of the saved Guildford Local Plan 2003. These policies, amongst other things, seek to ensure that development proposals are of a high-quality design that respond to the distinctive local character, have regard to the local context and respect the scale, height, form, built layout, established street patterns and relationships with other buildings in the surrounding area. In addition, the proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

- For the reasons given above, I consider that collectively the scheme's benefits and other material considerations in this particular case, when set against the particular policy context, clearly outweigh the harm as result of the partial breach of Policy E3 of the Local Plan. There are no other policies within the development plan and Framework when read as a whole that indicate that the appeal proposal should be refused. Consequently, overall, in my view, the factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this particular case.
- For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **4. Mr David Clarke (Merrow Lawn Tennis Club)**

##### **Merrow Lawn Tennis Club, Epsom Road, Guildford, GU4 7AA**

**21/P/00630** – The development proposed is described as the conversion of one outdoor grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED floodlighting and associated works.

Officer Recommendation – To Refuse

Planning Committee 12 Jan 2022 – Refused

Decision – ALLOWED

##### **Summary of Inspector's Conclusions:**

- The main issues are the character and appearances of the surrounding area, including the Area of Great Landscape Value (AGLV) in which it is located; and
- the living conditions of the occupiers of neighbouring dwellings with regard to noise and light spill.
- The appeal site is an area of land to the south of the existing tennis courts and club house at Merrow Lawn Tennis Club and adjacent to a large building used as a gym. The appeal site is located within an AGLV, specifically classified by the Council in the officer's report as the rural-urban fringe character area and is between housing development to the east and more open and rural land to the west. The land is open and undeveloped; however it is relatively self-contained between the existing tennis club, the gym and a large hedge separating it from the garden of a neighbouring property. Therefore, the appeal site currently has a neutral effect on the landscape character of the AGLV.
- The proposed tennis court, at ground level only, would not significantly alter the overall appearance of the appeal site and the proposed fencing surrounding it would be a modest structure with a limited bulk. This would have limited visibility from the public realm due to its height and the enclosed nature of the site. Therefore, the presence of a tennis court and the fencing surrounding it would not harm the open character of the site or alter the perceived visual separation between the existing tennis courts and the area to the south of the tennis club in the AGLV.
- The proposed floodlights would be greater in height than the existing hedge on the boundary of the appeal site. Therefore, they would be visible from surrounding properties and some other vantage points. However, set against the backdrop of the gym building, they would not appear as overly large or dominant additions to the site and would be in keeping with the existing floodlights currently used on the adjacent tennis courts. Their slender structure and limited bulk would ensure that the open nature of the site is retained.
- As such the proposed tennis court, fencing and floodlights would not conflict with the rural landscape character of the local environment or the distinctive open character of the AGLV.
- Due to the location of the appeal site on the edge of an urban area, adjacent to a number of residential properties and other lit tennis courts, I am not persuaded that the area currently benefits from dark skies which contribute positively to the character and appearance of the area. Particularly due to the close proximity of a large park and ride facility, which would be well lit during the evening. Therefore, the presence of a small amount of additional



floodlighting on the proposed tennis court would not fail to conserve any existing dark skies.

- Reference has been made by third parties to a boundary review of the Surrey Hills Area of Outstanding Natural Beauty (AONB), with recommendations that this designation should include the golf course adjacent to the appeal site. However, as the boundary review has not been finalised, I do not afford it any weight in my consideration of this appeal.
- In conclusion, I find that the proposed development would not harm the character and appearance of the surrounding area or the AGLV in which it is located. It would therefore comply with Policies P1 and D1 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the 2019 LP) and Policies R6 and G1(8) of the Guildford Borough Local Plan (the 2003 LP). These policies collectively seek to ensure that development proposals would not harm the distinctive character of the AGLV and minimise the glare and spillage of light from external lighting, with planning permission granted for the increased use of recreational facilities where the visual impact is acceptable. The proposed development would also accord with the general design objectives of the National Planning Policy Framework.
- The proposed tennis court would be located adjacent to the rear garden of 3 Abbot's Way, separated by an existing hedge on the boundary. The proposed floodlights would be visible above this hedge. The lighting design document, submitted as part of the application, outlines the design of the proposed floodlights. This indicates that the proposed lighting scheme is acceptable against the guidance set by the Institution of Lighting Professionals (ILP) when assessing nuisance.
- The lighting design document also shows that light spill would occur in the garden of No.3. However, I consider that the level of luminance would be minimal on the edge of an urban area in which the neighbouring property is located. Particularly when viewed against other sources of light in the area, such as the lighting from neighbouring properties and the floodlights on the existing tennis courts. It is also noted that the lighting design document includes details of a deflector to reduce the level of light spill experienced by neighbouring properties. This has been secured by a condition requiring compliance with the lighting design document.
- Furthermore, due to the position of the proposed tennis court, this light spill would only effect parts of the rear garden of No.3 and would not extend to the dwelling itself during the hours of darkness. Therefore, it would have little impact on the occupiers of this property when inside their dwelling during the evening. A condition has been included to ensure that the floodlights are turned off at a suitable time to ensure any light spill would not impact the occupiers of No.3 during the night, when additional lighting may be more perceptible and disturbing. Due to their distances from the appeal site, no other residential properties in the surrounding area would be unacceptably effected by light spill from the proposed floodlights.
- Reference is made by the Council in relation to ongoing issues at the tennis club, highlighted a complaint concerning the compliance of conditions and mitigation measures associated with the flood lighting scheme approved in 2011 for the adjacent tennis courts. No evidence has been provided to demonstrate this. Nevertheless, concerns in relation to the conduct of the tennis club and the impact of other developments are a matter for the Council outside of this appeal.
- The proposed tennis court would clearly result in some additional noise from people using the court and the tennis ball hitting the racket and the surface of the court during play. However, the increased intensity from a single tennis court would be limited and the proposed artificial grass surface would help to reduce the levels of noise experienced when compared to an asphalt court. Any noise generated would not be significantly greater than the noise generated from the existing tennis courts, people using the club house or people using the other sport facilities within this area, including the noise of vehicles travelling to

and from the site. Furthermore, there is no compelling evidence that the reflection of noise from the wall of the gym building would significantly exacerbate the issue.

- The use of the tennis court would be restricted to daytime hours, in line with the existing opening hours of the tennis club, and the hours where the floodlights are permitted to be illuminated. Therefore, any noise generated from the proposed development would not be during restricted hours when any noise may be less permissible.
- Consequently, the proposed development would not harm the living conditions of the occupiers of neighbouring dwellings and would accord with Policy G1(3) of the 2003 LP. This policy seeks to ensure that the amenities enjoyed by occupants of buildings are protected from neighbourly development, including noise. The proposed would also accord with the National Planning Policy Framework insofar as it seeks to protect the living conditions of the occupiers of neighbouring dwellings.
- The proposed development would not harm the character and appearance of the surrounding area, including the AGLV, or the living conditions of the occupiers of neighbouring dwellings in relation to light spill and noise. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### 5. Mr Richard Rivers

**St Martha's Prior, Halfpenny Lane, Chilworth, Guildford, GU4 8PZ**

**21/P/00887** – The development for which a certificate of lawful use or development is sought is described as “two sheds are lawful having been substantially completed more than four years before the date of this application”.

Delegated Decision – To Refuse

Decision – APPROVED

#### **Summary of Inspector's Conclusions:**

- The main issue is whether the Council's decision not to grant an LDC was well founded.
- Section 55(1) to the 1990 Act says that the word '*development*' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The concept of a material change of use is not defined in statute or statutory instrument. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree. In cases where there is a dispute as to whether a material change of use has occurred, it is first necessary to establish the correct planning unit and the present and previous primary use. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct and occupied for different and unrelated purposes.
- The planning unit in this case equates to the house, St Martha's Priory, and its associated grounds. The sheds have been erected within the grounds and are used for domestic storage. There is no evidence that their use is unconnected with the residential occupation of the premises, which would indicate a separate planning unit had been created, nor that a different primary use has been introduced into the same planning unit resulting in a mixed use. The Council argues that the sheds are sited outside of the curtilage, but curtilage must not be confused with the planning unit or with a use of land. The two will sometimes cover the same area but that will not always be the case.
- On the other hand, the appellant maintains that the sheds should be considered to be operational development. Section 55(1A) says that for the purposes of the Act '*building operations*' includes (a) demolition of buildings (b) rebuilding (c) structural alterations of or

additions to buildings and (d) other operations normally undertaken by a person carrying on business as a builder. The erection of an entirely new building is not specifically mentioned; however, it falls within the definition as work normally undertaken by a person carrying on business as a builder.

- I saw the sheds are solid and sound structures of a rectangular form with pitches roofs. They are constructed from timber, with felt roofs, and appear to be sited on compacted earth. One shed has a tap attached to it, which is connected to a water supply. Given the manner and nature of the work involved in the erection of the structures, and their physical construction and size, their siting required an element of pre-planning and necessitated erection in accordance with a specific end use in mind. I consider that the sheds amounted to operational development because the works involved the carrying out of building operations, which resulted in entirely new buildings.
- For completeness, I have also considered whether the sheds should be considered to be buildings. Section 336(1) of the 1990 Act includes in the definition of the word *'building'* any structure or erection, and any part of a building, as so defined. This description has been interpreted by the Courts to include structures which would not ordinarily be described as buildings. In *Cardiff Rating Authority*<sup>1</sup>, which was endorsed by the Court of Appeal in *Skerritts*, three primary factors were identified as decisive of what was a *'building'* and these are as follows: (a) that it was of a size to be constructed on site, as opposed to being brought on to the site, (b) permanence, (c) physical attachment. No one factor is decisive.
- Although the sheds are sizeable, it is possible that they were brought on to site fully constructed. Nonetheless, there is no evidence that the sheds have moved since they were first sited, and they seem to be permanently located. Although there is no physical attachment to the ground, other than the water supply, the structures are immobile by their own weight. On the particular circumstances of this case, they can reasonably be described as structures that fall within the definition of the word *'building'* in s336(1).
- I have found that the sheds are operational development for the purposes of Section 55(1) of the 1990 Act. Therefore, the relevant time period to gain immunity is four years beginning with the date on which the operations were substantially completed. There is no dispute that the sheds have been substantially completed for more than four years. They are, thus, lawful according to Section 191(2) since no enforcement action may be taken in respect of them due to the passage of time.
- For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of two sheds was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

#### **6. Mr A Schaale**

**Meadow Platt, Ranmore Common, Dorking, RH5 6SX**

**21/P/00864** – The development proposed is a replacement ancillary outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and

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- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a single storey dwelling with a number of outbuildings, is located in a rural area within the Green Belt. The proposed outbuilding would replace the three existing outbuildings to the front of the dwelling and would be used as a garage and for storage.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- Whilst the proposed building would be in the same use as the buildings it would replace, the figures provided by the Council indicate that the replacement building would be larger in both height and depth than any of the existing buildings to be demolished. The proposed building would also have a larger floor area and volume than the existing buildings combined. The appellant does not contest these figures.
- Whilst the Framework does not specifically define the term 'materially larger', from the figures provided it is evident that the replacement building would be larger in scale and massing than the buildings it would replace. The proposed building would have a smaller width when compared to the existing stable building and would consolidate three separate outbuildings into one. However, this would not sufficiently offset the increase in height, depth, floorspace and volume and the replacement building as a whole would still be larger.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The appellant contends that the proposal would not contravene the purposes of designating land as Green Belt as defined in paragraph 138 of the Framework. Nevertheless, this does not negate the requirements within paragraph 149 of the Framework relating to the construction of new buildings.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Due to the location of the appeal site, the proposed development would have limited views from the public realm. It would also be set further back into the appeal site than the existing buildings with any views from the driveway largely blocked by the existing chalk bank and the well-established trees surrounding it. Therefore, the proposed development would not impact the visual openness of the Green Belt.
- Although consolidating three buildings into one would reduce the sprawl of development on the appeal site, the proposed building would be materially larger than the buildings to be replaced. This would result in an increase of built form on the appeal site with a greater floorspace and volume than the existing buildings combined. As such, there would be a spatial impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the

Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing buildings to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

## 7. Ms Nicky Kumar

### **Tamney, Wonham Way, Peaslake, GU5 9PA**

**21/P/02481** – The development proposed is demolition of single storey rear and side extensions and erection of rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The existing dwelling has undergone a number of previous extensions to enlarge the original building. The proposed development would replace existing single storey side and rear projections with a new single storey rear extension.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The Council has provided figures showing that the proposed development would result in an increase in the original floorspace of the dwelling by 52.75%, when combined with previous extensions. A plan provided by the appellant similarly shows that the floorspace would be increased by 51.5% from the original dwelling as it was in 1948. Although Policy P2 of the LP or the Framework does not specifically define what would constitute a proportionate extension, these figures demonstrate that the cumulative size of the existing extensions and the proposed development would be significantly larger than that of the original dwelling.
- Not only would the proposal and the existing extensions result in a building which has a substantially larger floorspace than the original dwelling, it would result in significantly more built form on the appeal site when compared to the original building. Furthermore, although

only single storey in nature, the proposal would give rise to a substantial increase in the bulk and massing of built form to the side and rear of the property, which could not be considered proportionate in size to the original building.

- Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 149 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- The proposed extension would be located to the rear of the dwelling. Although the appeal site is located on a corner plot, due to its single storey nature, it would have limited visibility from the road. As such, the proposal would not erode the visual openness of the site. However, the proposed extension would be larger than what it is replacing and would introduce additional built form on the appeal site, with a greater floorspace and overall massing than the current dwelling. Due to this, the proposal would have a spatial impact on the openness of the Green Belt. Therefore, although there is no visual impact, the proposed development would have a spatial impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, or any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

## 8. Ms Clare Dyer

**Cheynes Cottage, Brook Lane, Albury, GU5 9DH**

**21/P/01288** – The development proposed is the erection of car port/store.

Delegated Decision – To Refuse

Decision – DISMISSED

### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; and

- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, occupied by a detached dwelling with a large front garden that includes a driveway at the entrance, is located within a rural location in the Green Belt. It is surrounded by a number of other residential properties.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. In paragraph 149 (g) these exceptions include limited infilling or the partial or complete redevelopment of previously development land, which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the proposal would partially infill a gap between neighbouring garages and a small corner of the front garden, and the appeal site is previously developed land. Therefore, they contend that the proposal would fall under this exception.
- Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 similarly states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. This Policy is therefore generally consistent with the Framework's approach.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- Although there are a number of similarly sized outbuildings within the neighbouring sites, there are no existing buildings within the front garden of the appeal site at present. Therefore, the addition of a new building would have a significant spatial impact on the openness of the Green Belt due to the increase in built form. In addition, although partially obscured by the existing hedging, the proposal would be highly visible from Brook Lane via the access to the appeal site. As such, the proposed building would also visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.
- Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. There is no definition of limited infilling within the Framework, however Policy P2 of the LP identifies settlements and villages where limited infilling may be appropriate. Nevertheless, even if the land is previously developed as defined by the Framework and could be considered as limited infilling, the proposal could not be an exception under paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
- Similarly, due to greater impact on the openness of the Green Belt, the proposal would also not accord with Policy P2(3) of the LP. This states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

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- The proposal would be inappropriate development in the Green Belt, in that it would not fall under any of the exceptions listed within paragraph 149 of the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP and paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

### 9. Mr and Mrs Lonie

#### **Woodlands, The Warren, East Horsley, KT24 5RH**

**21/P/00646** – The development proposed is the erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952)

Officer's Recommendation – To Refuse

Planning Committee 12 January 2022 - Refused

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.
- The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The proposed development is for a replacement dwelling in a similar position on the appeal site to the existing building.
- Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.
- The proposed building would be in the same use as the building it would replace, as a residential dwelling. However, the figures provided by both the Council and the appellant indicate that the replacement dwelling would have a greater height, floor area and volume than the existing dwelling. The Framework and Policy P2 of the LP do not specifically define the term 'materially larger'. Nevertheless, from the figures provided it is evident that the replacement dwelling would be larger in scale than the building it would replace.
- It is noted that single storey additions have recently been added to the existing property, under permitted development rights, in the form of two open sided wood framed structures to the rear and the side of the dwelling. The Council considers these should be given limited weight due to their open nature. However, even if these structures were to be taken into account as part of the existing dwelling, the proposed dwelling would still be larger in scale.



- The width and depth of the proposed replacement dwelling would be smaller than the existing dwelling, resulting in a smaller overall footprint. However, due to the increase in height and volume, the building would appear greater in bulk and massing than the existing dwelling, particularly at first floor level.
- Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The proposal would therefore be inappropriate development within the Green Belt.
- In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
- As the replacement building would be larger in scale and mass than the one it replaces, it would introduce additional built form to the appeal site. Therefore, the proposal would have some spatial impact on the openness of the Green Belt. In addition, although the replacement dwelling would be set well back from the road, it would still be highly visible from the public realm. As such, the proposed increase in height and mass of the dwelling would further erode the visual openness of the site when compared to the existing dwelling. Therefore, the proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.
- The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
- The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing building to be replaced. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
- I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
- Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

**10. Mr G Ahmad**

**54 Poyle Road, Tongham, GU10 1DU**

**21/P/01967** – The development proposed is the construction of 2x semi-detached dwellings.

Delegated Decision – To Refuse

Decision – DISMISSED

**Summary of Inspector's Conclusions:**

- The main issues are the character and appearance of the area;
- the living conditions of future occupants, with particular regard to the amount of internal space, outlook and light; and
- the integrity of the Thames Basin Heaths Special Protection Area.
- The appeal site appears to have previously been part of the garden space relating to 54 Poyle Road, which forms part of the section of Poyle Road at the entrance of The Cardinals. Given this, and that the road begins to bend at this point, the appeal site reads as forming

part of the houses relating to the entrance of The Cardinals. The proposed semi-detached dwellings would also have a similar scale, form and design and would use similar materials to these houses, which would strengthen their connection with this section of Poyle Road.

- Most of the houses relating to the entrance of the Cardinals do not have any formal on-plot parking areas. Where there is on-plot parking to the front of these houses, the arrangements consist of single or tandem spaces that serve individual properties and maintain an open area of lawn. The houses are set back relatively far from the highway and there is very limited landscaping or upright boundary treatments in the front gardens. This creates an open and green character. The proposed shared parking area would therefore appear incongruous in the street-scene. With up to 6 vehicles parked in a group, it would be vehicle dominant, which would harm the open character of this section of Poyle Road. While the proposed trees and vegetation would help screen the vehicles, it would also exacerbate the harm to the open character.
- I appreciate that the proposed parking arrangement, specifically the landscaping, seeks to overcome the reasons for refusal relating to a previous application. However, while it may address previous concerns and provide a safe parking layout and access, I have found it would harm the character and appearance of the area.
- For the reasons above, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (The Local Plan), Policies G5 and H4 of the saved Local Plan (2003) and the Residential Design Guide (2004). These seek to ensure all new development achieves high quality design that responds to local character. It would also conflict with the aims of the National Planning Policy Framework (the Framework) and the advice set out in the National Design Guide to create high quality, beautiful and sustainable buildings and places that are sympathetic to local character.
- Whether or not the bonus room would be used as a bedroom, the proposed semi-detached dwellings would fail to meet the technical housing standards – nationally described space standard (2015) (referred hereon as the space standards). I understand that the bedroom labelled as Bed 3 on the submitted plans, would only have a width of 2 metres, whereas the technical requirements of the space standards require that in order to provide one bedspace, a single bedroom is at least 2.75m wide. The space standard also requires built-in storage space to be provided yet none is shown on the submitted plans. The space standards have been put in place to ensure adequate living space, including storage space, is provided for future occupants. The failure of the proposal to meet these standards would therefore result in an unacceptable living environment for future occupants.
- It may be possible to address the lack of built-in storage concerns by amending the internal layout without impacting on the size, bulk, and appearance of the proposal. However, there are no plans before me demonstrating how this would be achieved. I must determine the appeal based on the proposal before me and have found that the absence of any built-in storage would result in an unacceptable living environment for future occupants.
- The site plan shows that there would be some planting close to the front of the proposed dwellings and the elevations show this planting to frame the ground floor window serving the living room. There are no details before me that set out the size and species of the plants proposed. Locating planting close to the front elevation of a dwelling, including under windows, is a fairly typical arrangement, and an outlook of planting and parked cars is not uncommon from the ground floor of a residential property. There would also be sufficient space between the proposed dwellings and the parking area that the parked cars would not be overbearing. A condition could be imposed to secure a landscaping scheme comprising plants of a size and species that would limit any encroachment of the living room windows and therefore maintain the light received. For these reasons, I do not consider that the

proposal would result in an unacceptable living environment for future occupants in this regard.

- Although I have found the proposed parking arrangement and landscaping would not detrimentally effect outlook or light, the shortcomings of the proposal to meet the space standards would result in an unacceptable living environment for future occupants. It would conflict with Policies H1 and D1 of the Local Plan, which seek, amongst other things, to ensure that all new residential development conforms to the space standards. It would also conflict with the aims of the Framework to create places with a high standard of amenity for future users.
- The appeal site is located within 5kms of the Thames Basin Heath Special Protection Area (TBHSPA), and the Council have advised that the proposed development may adversely impact the TBHSPA due to the net increase in residential units on the site. To avoid any adverse impact, I understand that the Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution in line with the tariff within its annual updating of off-site contributions document.
- There is no S106 Legal Agreement before me to secure these required contributions. Nevertheless, given I am dismissing the appeal due to the harm of the proposal on the character and appearance of the area and living conditions of future occupants, no pathways to significant likely effects on the TBHSPA would arise from my decision. I, therefore, do not need to consider this issue any further.
- The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

#### **11. Mr Thomas Bruder**

##### **81 Lime Grove, Guildford, GU1 1PQ**

**21/P/02328** – The development proposed is described as the erection of timber framed lean-to with semi-transparent polycarbonate side panel and roofing, erected on existing driveway to provide protection and for accessing mobility scooter (retrospective application).

Delegated Decision – To Refuse

Decision – DISMISSED

##### **Summary of Inspector's Conclusions:**

- The main issue in this appeal is the effect of the development on the character and appearance of this property and the area.
- The appeal relates to this semi-detached house, which is located in a residential area of similar houses. The houses are set behind front gardens and most have an area for car parking within the frontage.
- The house has a single-storey element at the side, which is set back from the frontage of the house and this is matched by a similar feature on the neighbouring property. The majority of the houses in the area also have a similar feature although some have evidently been modified.
- The development which is the subject of this appeal has been erected in front of this recessed side part of the house and is set back from the main, 2 storey front elevation of the house. The structure has a timber frame and consists of plastic sheeting to the side and for the roof. It provides shelter for a mobility scooter.
- Although it is set within this recessed area between the 2 houses, the structure appears as an obvious addition to the area. The use of non-matching materials and its rather makeshift

appearance mean that it fails to harmonise with the existing house and add to its unacceptable visual effects. In my judgement, it is a prominent and obtrusive feature, which has a negative effect on the house and the area.

- Policy H8 of the Guildford Borough Local Plan 2003 (LP) states, amongst other things, that planning permission to extend dwellings in the urban areas will be granted provided that the development: 1. Has no adverse effect on the scale and character of the dwelling; 2. Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight; 3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings. Policy G5 includes a requirement that new buildings should respect the scale, height and proportions and materials of the surrounding environment. Policy D1 of the Local Plan Strategy and Sites (adopted 2019) refers to the need for new development to achieve a high quality of design. Having taken account of these requirements, I consider that the development which has been undertaken, fails to perform positively and has a harmful, negative effect on the surrounding area.
- I have taken account of the fact that the development has been constructed to shelter a mobility scooter at the property. However, the need for such provision is outweighed by the negative effects of the proposal, that I have set out above. As a consequence, the appeal is dismissed.

## **12. Mr and Mrs Colin and Kathy Dry**

**Anchusa Cottage, Lawbrook Lane, Peaslake, GU5 9QW**

**21/P/02390** – The development proposed is single storey rear extension and alterations to side extension roof to form front and back porches.

Delegated Decision – To Refuse

Decision – DISMISSED

### **Summary of Inspector's Conclusions:**

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
- Of relevance to this appeal is that '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' is listed as an exception at paragraph 149c.
- The original building had a floorspace of 91sqm and was a two-storey cottage. Subsequent extensions including a single storey side extension and two storey rear extension have been added. This results in existing floorspace of around 145sqm.

- It is put to me that the proposed single storey rear addition would increase the floorspace by a further 11sqm and the covered porches to the front and rear would have a 6sqm footprint. Even excluding the covered porches, this represents an approximate 70% increase from the original floor area. Furthermore, although it does not add floorspace the increase in height of the single storey side extension through the introduction of a pitched roof would also increase the size of the property.
- There is no policy to define the extent of what should be considered to be disproportionate. Nevertheless, the extensions would result in a considerable increase in the size of the original building with the proposed development introducing notable additional massing at ground floor. Therefore, the proposed development would result in a disproportionate addition over and above the size of the original building.
- Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework, the aims of which are set out above and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (Local Plan) which broadly echoes these requirements. Openness has both spatial and visual dimensions. Together the increased height to the existing side extension and the single storey rear extension would introduce development where currently there is none, and therefore there would be harm to spatial openness. The extensions are likely to be visible from the adjoining properties and nearby public bridleway. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
- Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework and Policy P2 of the Local Plan.
- The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness.
- The considerations advanced by the appellant include an improvement to character and appearance and I afford great weight to conserving and enhancing landscape and scenic beauty in the AONB. Nevertheless, due to the scale of the development the benefits in this regard are limited. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
- The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy P2 of the Local Plan, the aims of which are set out above.
- The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

### **13. Mr and Mrs Paul Mills**

#### **1 Poyle Corner Cottages, White Lane, Tongham, Surrey, GU10 1BT**

**22/P/00581** – The development proposed is for the demolition of existing concrete flat roof double garage and adjacent greenhouse, and construction of new pitched roof double carport structure incorporating accommodation in pitched roof space.

Delegated Decision – To Refuse

Decision – DISMISSED

#### **Summary of Inspector's Conclusions:**

- The main issue is the effect of the appeal proposal upon the character and

appearance of the surrounding countryside and its impact upon the setting of the pair of locally listed buildings.

- The appeal site comprises one half of a pair of striking two and a half storey, ornate red brick, semi-detached houses in a prominent location at the junction of White Lane with Poyle Road.
- The Council's Conservation Officer stipulates that, along with no 2, 1 Poyles Corner Cottage is a locally listed building due to their historic construction date, vernacular materials, characterful decorative appearance and largely unaltered traditional form; consequently they are considered to be non-designated heritage assets to which I agree.
- The proposal seeks planning permission to replace the existing concrete panel double garage. The replacement would comprise a rather top-heavy one and a half storey cartlodge building, with a pair of dormer windows that would create an uncomfortable visual duality. I therefore consider that the design of the subject building would render it as bulky in its appearance and would have a detrimental impact upon the setting of the locally listed buildings, as well as the surrounding countryside which is also designated as an Area of Great Landscape Value (AGLV). This latter element has not been included within the Council's reasons for refusal, however.
- I understand the appellants' frustration at the manner at which the Council determined the planning application; although these do not affect the substance of the case before me. I note that the appellants were willing to try a re-design and it is unfortunate that there has not until recently been a pre-application advice service offered by the Council.
- The proposal constitutes a revision to an earlier planning application that was refused, and a number of changes were made, including a reduction of the footprint of the proposed building from that previously proposed: the removal of a large dormer on the western elevation and a reduction in the roof pitch. Nonetheless whilst I acknowledge that materials were retained as appropriate for a 'barn-like' outbuilding, the dormers in particular give it an unduly domestic appearance. Furthermore, by virtue of its overall scale and design in such a prominent location, the scheme would appear as an unduly dominant, unsympathetic and incongruous form of development, out of keeping with the setting of the non-designated heritage assets and the surrounding countryside.
- I note references to new infill dwellings and large extensions that have been permitted locally, however I have been provided with no information on these, nor on new housing estates being proposed, but ultimately each case must be assessed on its own merits. I also have to acknowledge that Permitted Development rights could allow other outbuildings to be constructed within the relevant parameters, however that is not a determining factor in this appeal.
- Therefore I consider that the proposal would give rise to demonstrable harm to the setting of non-designated heritage assets and to the character of the surrounding countryside, contrary to Policies D1, D3 and P3 of the Guildford Borough Local Plan: Strategy and Sites (2019) and Policy G5 of the Guildford Borough Local Plan 2003, which together require all new developments to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set, having regard to the Council's Design Code which, amongst other things, relates to scale, proportion and form of new buildings and architectural detailing, whilst stipulating that the historic environment will be conserved and enhanced in a manner appropriate to its significance.
- Having regard to the above and all other matters raised by the appellants, I conclude that the appeal be dismissed.