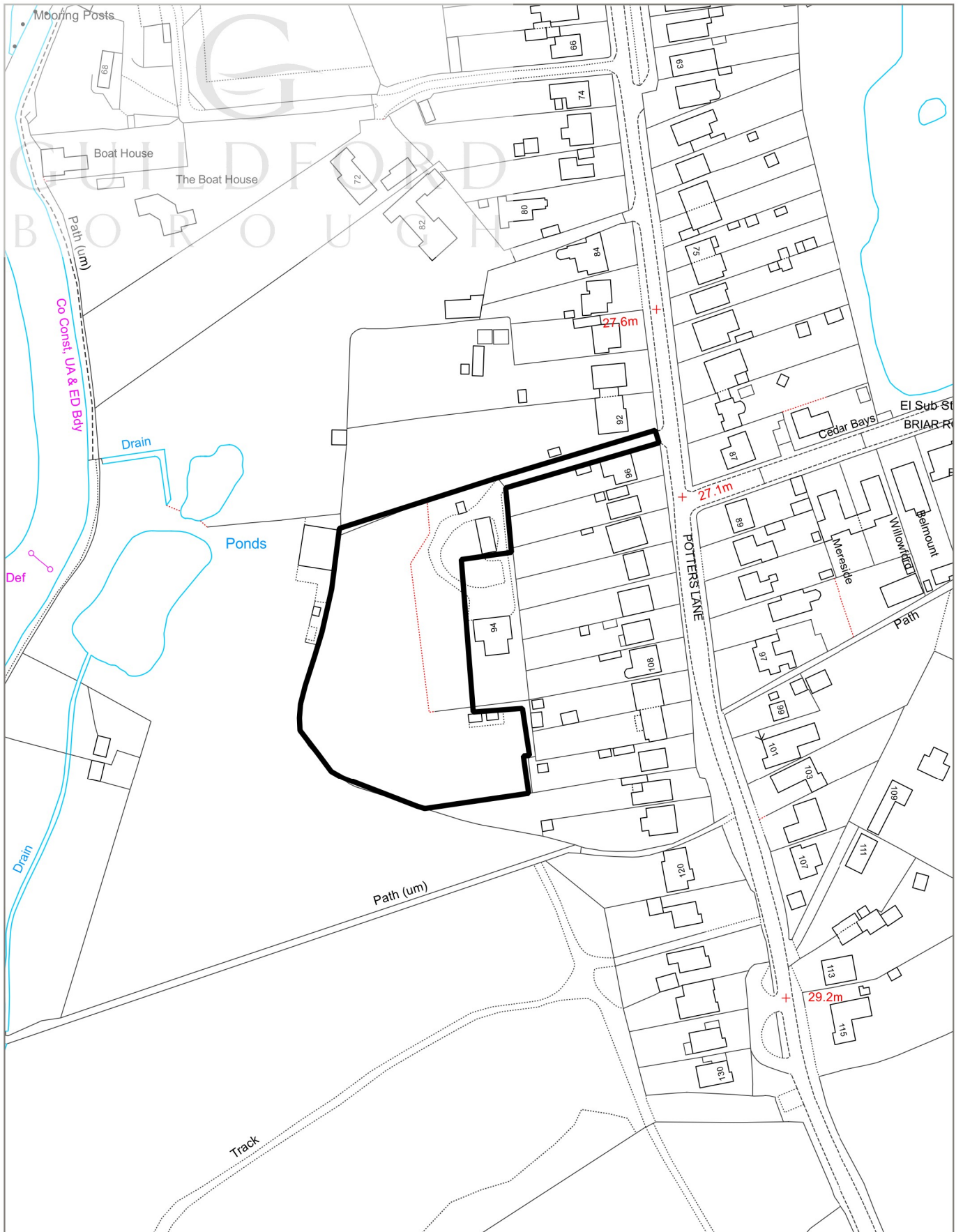


# 22/P/01966 - 94 Potters Lane, Send, Woking



© Crown Copyright 2023. Guildford Borough Council.  
Licence No. 100019625.

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

Print Date: 20/11/2023



Not to Scale



GUILDFORD  
BOROUGH

22/P/01966 – 94 Potter Lane, Send, Woking



Not to scale

**App No:** 22/P/01966

**8 Wk 16/01/2023**

**Deadline:**

**Appn Type:** Full Application

**Case Officer:** Justin Williams

**Parish:** Send

**Ward:**

**Agent :** Mrs McSharry

**Applicant:** Mr Atterbury

Pro Planning

**t:** Hawksmoor Homes

Hollycombe House

c/o agent

Down Lane

Compton

GU3 1DQ

**Location:** 94 Potters Lane, Send, Woking, GU23 7AL

**Proposal:** Construction of 5 dwellings, including access and landscaping.

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

The application is a full planning permission for the erection of five detached dwellings at a site inset from the Green Belt within Send Village

The application site currently serves one detached property which would be retained and is accessed from a driveway off Potters Lane.

The application is a revision from a previous refused scheme for 29 units which was dismissed by the Planning Inspector on grounds of the impact on the character and appearance of the area, the setting of the River Wey Conservation Area, impact on the amenities of the occupiers of the adjacent neighbouring properties, particular No. 90 and highway safety.

The application has less properties than the previous scheme and would be set away from boundaries of the site than the previous dismissed scheme

Each property would have two car parking spaces with EV charging point and an air source heat pump

The design of the properties would be varied and have a traditional appearance.

The site is within 5kms of the Thames Basin Heath Special Protection Area

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

The site is inset from the Green Belt and therefore the principle of development is considered acceptable.

The site is approximately 133 metres from the River Wey Navigation Conservation Area. The site would be slightly visible from the Conservation Area, but the reduction in units opens a more spacious form of development in keeping with the character of the area.

There are good separation distances between the proposed units and the adjacent neighbouring properties and therefore the proposal would not result in overlooking or loss of privacy or be an overbearing or unneighbourly form of development.

The proposal would utilise an existing access and highways authority raise no concern regarding highway safety.

The application is therefore recommended for approval subject to conditions and a Unilateral Undertaking for mitigation on the Thames Basin Heath Special Protection Area.

### **RECOMMENDATION:**

**Subject to a Section 106 Agreement securing appropriate SANG and SAMM mitigation payments, the decision is to:**

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

1. The development hereby permitted shall be begun before the

expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Tree Constraints Plan, P101, Tree Protection Plan, P117, 0115-01 and S101 received on 21 November 2022 and SK113 received 13 December 2022, P111 Rev A, P112 Rev A, P114 Rev A, P115 Rev A, C101 A received 3 November 2023

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

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

Reason: To ensure that a satisfactory external appearance is achieved and to ensure materials that are lower in carbon chosen.

4. No external lighting shall be installed at the site or affixed to any buildings on site until details of the position, height, design, measures to control light spillage and intensity of illumination has been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall comply with the recommendations of the Bat Conservation Trusts document Bats and Lighting in the UK - Baths and the Built Environment Series Guidance Note 8/18 and shall thereafter be maintained in

perpetuity.

Reason: To protect the amenities of the occupiers of the adjacent neighbouring properties, wildlife and to minimise obtrusive light pollution.

5. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP), including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

This should be in accordance with the recommendations in the submitted response note (AA Environmental Consultants Ltd July 2023, Technical Notice (Ecology (AA Environmental Consultants Ltd 2022) The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of any new habitats created on site.
- Details of the extent and type of new planting and seeding outside of the developed areas, which should be native species of UK provenance.
- Details of the lighting scheme that should be of a sensitive design to minimise impacts on all semi-natural habitats within and adjacent to the site.
- Details of maintenance regimes including how the semi-natural habitats will be managed over the long-term in order to retain their ecological diversity.
- Details of management responsibilities including adequate financial provision and named body responsible for maintenance.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the

appearance of the surrounding area and to ensure the protection of wildlife, supporting habitat and secure the opportunities for the enhancement of the nature conservation value of the site.

6. No vehicle shall access the site unless and until the proposed vehicular access to Potters Lane hereby approved has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the NPPF and to comply with Policy ID3 of the Guildford Local Plan 2019 and the NPPF.

8. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with 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) in accordance with a scheme to be submitted prior to occupation and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highways users and to promote sustainable transport and to comply with Policy ID3 of the Guildford Local Plan and Policy within the NPPF.

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

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

11. Full details of both hard and soft landscaping works including tree planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the above ground construction of the buildings hereby permitted. The details shall include indications of all changes to levels, hard surfaces, walls, fences, or other means of enclosure within or around the site, access features, minor structures, the existing



trees and hedges to be retained, the new planting to be carried out, measures to be taken to ensure that retained trees and their roots are not damaged and details of the measures to be taken to protect existing features during the construction of the development. The above details should also be supported by a phasing plan/timetable for the delivery on the hard and soft landscaping.

Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out in accordance with the phasing plan/timetable agreed with the Local Planning Authority.

Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority give written consent to any variation.

Reason: To preserve and enhance the character and appearance of the surrounding area.

12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This

must demonstrate that the surface water drainage system has been constructed as per the agreed scheme as outlined in the submitted Flood Risk Assessment (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

14. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

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

15. The approved Arboricultural Report, which included an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared by treetec consultancy ltd., dated September 2022, must be adhered to in full, and may only be modified by written agreement from the LPA. No development shall commence until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

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

16. The proposed development shall be constructed in accordance with the submitted Precautionary Working Method Statement and its appendices within the Ecology report dated October 2022

Reason: To ensure the protection and minimise the disturbance of any unexpected wildlife on the site and to protect the environment of the site and vicinity.

17. No development shall take place until a Construction Environment Management Plan has been submitted to an approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas detailing the works to be carried out showing how the environment will be protected during construction. Such a scheme shall include details of the following:

- The timing of different aspects of site clearance and construction works
- Any necessary pollution prevention methods including those to prevent polluted surface water run-off entering any of the ditches or streams in or adjacent to the site.
- Construction methods.
- Dust suppression methods

The works shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To achieve sustainable development and protect the environment in the vicinity of the site

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483

444545 or buildingcontrol@guildford.gov.uk

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

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

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

Pre-application advice was not sought prior to submission. Minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see: <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>

4. 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.

5. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
6. Many trees contain wildlife such as bats and nesting birds that are protected by law. The approval given by this notice does not override the protection afforded to these species and their habitats. You must take any necessary steps to ensure that the work you are carrying out will not harm or disturb any protected species or their habitat. If it may do so you must also obtain permission from Natural England prior to carrying out the work. For more information on protected species please go to [www.naturalengland.gov.uk](http://www.naturalengland.gov.uk)
7. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours: -
  - 8.00am - 6.00pm Monday to Friday
  - 8.00am - 1.00pm Saturdayand not at all on Sundays and Bank Holidays.
8. During demolition or construction phases, adequate control precautions should be taken in order to control the spread of dust on the site, so as to prevent a nuisance to residents in the locality. This may involve the use of dust screens and importing a water supply to wet areas of the

site to inhibit dust.

## **Officer's Report**

### **Site description.**

The application site is located within a residential area of Send which is characterised by detached properties of varied styles in spacious plots. The site is located behind an established row of residential properties and is accessed by an existing access, which currently serves one property. To the west of the site is an existing farm which includes a large detached agricultural building. The Wey Navigation Conservation Area lies approximately 120 metres to the west of the site. Footpath No 55 runs to the south of the site being separated from the site by the adjacent agricultural unit. The site is within 5 kms of the Thames Basin Heath Special Protection Area. The site lies within the Urban Area.

To the west of the site is an existing farm which includes a large detached agricultural building. The Wey Navigation Conservation Area lies approximately 120 metres to the west of the site. Footpath No 55 runs to the south of the site being separated from the site by the adjacent agricultural unit. The site is within 5 kms of the Thames Basin Heath Special Protection Area.

### **Proposal.**

Construction of 5 dwellings, including access and landscaping. The proposed dwellings would utilise the existing access to No. 94 Potters Lane which is to be retained on site with the existing dwelling and garage. The proposed dwellings would be of varied design and style set in good sized plots with garden depths of at least 15 metres and with off street parking. The properties would have varied heights with a maximum height of 7.9 and a minimum of 7.4 metres.

The mix of the scheme would be as follows

- 2 bedroom x 1
- 3 bedroom x 3
- 4 bedroom x 1
- 

The submitted layout plan shows the development having landscaping throughout the site and including a Heritage Orchard close to the rear boundaries of properties in Potters Lane.

The proposed properties would be set off the western boundary with the adjacent agricultural unit by approximately 20 metres with landscaping reinforcing the existing green Buffer with the adjacent site.

The applicant has submitted a number of supporting documents to accompany their application, which are summarised below.

The submitted Planning Statement and Heritage Statement outlines how the design has been evolved with the number of units and spacious plots to reflect the change from the open area to the west of the site and the more urban, residential area to the east of the site.

The Flood Risk Assessment outlines how Surface Water will be managed on site and that the site is not within the medium or high risk flood zone.

The Transport Statement outlines that each property would have their own parking areas provide at least two car parking spaces each and each property would have an EV charging point. The number of vehicle trips to and from the site will be increased, however this would be an average of between 2 and 3 trips in peak morning and afternoon.

The Landscape Visual Impact Assessment notes that views to the site are limited from the North West because of the existing agricultural barn and vegetation. With other views of the site limited because of the topography of the land.

The submitted Ecology Report notes that there are no protected species on site, but there are badgers in the vicinity. The site is not within a protected area, with the closest being the SNCI and SSSI of the Wey Navigation approximately 130 metres from the site. The report details measures to improve biodiversity at the site with additional planting and other measures.

**Relevant planning history.**

<b>Reference</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
20/P/0048 2	Erection of 29 dwellings (12 affordable) including access, associated garages, parking, open space, play area and landscaping following the demolition of 2 dwellings (92 and 94 Potters	Refused 7th August 2020	Appeal Dismissed 24th January 2022

Lane).

18/P/0239 4	Erection of greenhouse and shed (retrospective application).	Approve 28/02/2019	N/A
18/P/0173 6	Proposed replacement dwelling to include five bedrooms and two first floor studies following demolition of existing bungalow.	Withdrawn 31/10/2018	N/A
18/P/0076 1	Certificate of Lawfulness for a proposed development to establish whether a triple bay garage and workshop/hobby room, with solar panels and renewable energy storage area, would be lawful.	Refuse 13/06/2018	ALLD 30/01/2019
18/P/0012 1	Certificate of Lawfulness for a proposed development to establish whether a triple bay garage and workshop would be lawful.	Refuse 22/03/2018	N/A
17/P/0042 9	Erection of a new dwelling and carport following the demolition of an existing dwelling	Refuse 12/06/2017	N/A
18/P/0228 5	Erection of greenhouse and shed (retrospective application).	Pending	N/A

### **Consultations.**

#### Statutory consultees

County Highway Authority: No objection subject to conditions regarding visibility



splays, parking, EV charging bays and secure bike storage

Surrey Wildlife Trust: No objection subject to conditions regarding submission of an external lighting plan, landscape and Ecological Management plan

Thames Water: No comments to make

#### Internal consultees

Conservation Area Officer - Object

Tree Officer - No objection

Environmental Health Officer - No objection

Operational Services Officer - No objection

Policy Officer - No objection on Sustainability or energy

#### Parish Council

Send Parish Council - Object for the following reasons:

- The Council has a five year supply of housing and there is no need for further housing.
- The increased use of the access way would result in noise and vibration and lead to a loss of amenity to the occupiers of the adjacent neighbouring properties
- The buildings would be clearly visible in the area especially from the Towpath of the Navigation. The proposed dwellings would have an adverse impact on the character and appearance of the Conservation Area.
- The proposed dwellings would be higher than the barn to the west of the site and have an adverse impact on the rural character of the area
- The proposal would impact on the Thames Basin Heath Special Protection Area (Officer Comment - The applicant has submitted a completed Unilateral Undertaking for mitigation on the ground nesting birds in accordance with the Council's adopted policies.

#### Amenity groups/Residents associations

National Trust: Raise concerns about the proposed development of the

application site which it considers would be out of keeping with the character and appearance of this stretch of the Wey and Godalming Navigations Conservation Area. The layout and design of the proposed development is such that, even with the proposed landscape planting, the buildings would be visible in, and detrimental to, views currently enjoyed along the River Wey Corridor and would harm the setting of the Navigation, a designated heritage asset. As such, the proposed development would be contrary to Local Plan policies which seek to safeguard the character and appearance of the Conservation Area and the setting of heritage assets. Furthermore, the proposals would not comply with the National Trust's guidelines for development along this stretch of the River Wey, in particular, by encroaching on the open land between the Navigation and the village of Send.

Third party comments:

*The application has been advertised in the local press, a site notice has been displayed and neighbour notification has been sent out to neighbouring properties. 37 letters of representation have been received raising the following objections, 28 from different properties and a summary of their concerns is detailed below:*

- There should be no further building works in Potters Lane or being visible from the Wey Navigation
- The access to the site would not be sufficient causing noise and disturbance to occupiers of adjacent neighbouring properties
- The additional houses would lead to increased traffic and pressure for parking on Potters Lane
- The proposal would lead to increased creep into green spaces and impact on local wildlife
- The proposal would result in overlooking.
- The proposal is not in keeping with the area.
- The proposal would impact upon the character and appearance of the Conservation Area
- The proposal would impact on the amenities of the occupiers of the adjacent neighbouring properties
- The proposal would impact on the Thames Basin Heath Special Protection Area - Officer comment - The applicant has submitted a completed Unilateral Undertaking for mitigation on the ground nesting birds in accordance with the Council's adopted policies
- Has any contributions to Affordable Housing be secured for the development - The application does not meet the threshold for the provision of affordable

housing.

- Visibility to the access of the site is obscured by a protected tree
- The proposal would overlook the Towpath along the Wey Navigation
- The proposal does not overcome the previous reasons for refusal
- The proposed homes are not affordable and not needed
- The proposal would result in light pollution and lead to impact on wildlife in the area.
- The proposal would result in overlooking and loss of privacy to the occupiers of the properties in Potters Lane
- The style and character of the properties would not be in keeping with those in Potters Lane
- Access to the site would be dangerous for pedestrians
- The proposal is backland development and would set a dangerous precedent for future backland development in Send
- The proposal would result in additional strain onto village services and infrastructure
- The proposal would result in affect Sewage waste in the area.
- The previous reasons for refusal are still applicable.
- The site is not allocated for development under the local plan
- The increased use of the access road would lead to vibration issues from users to the road.

7 letters of support four from different properties have also been received outlining the following positive comments:

- The precedent for development has already been set with approvals for residential development along the road
- The proposal fits in with the character of the road having a rural design and spacious setting.
- the proposal would be in keeping with the rural setting
- The proposal is less than the previous refused 29 units with a heritage orchard
- traffic on the lane is often attributed to the Public House
- The access is similar to that which accesses No's 72 - 68

Following the receipt of amended plans 15 additional letters have been received reiterating the original comments and that the amendments do not overcome their original concerns.

## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

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 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

### South East Plan 2009:NRM 6

### The Guildford Borough Local Plan: Strategy and Sites adopted 25 April 2019. (LPSS)

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all

Policy P5: Thames Basin Heath Special Protection Area

Policy D1: Place shaping

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

Policy D3: Historic Environment

Policy ID3: Sustainable transport for new developments.

Policy ID4 – Green and Blue Infrastructure

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

Policy P6 Protecting Important Habitats and Species

Policy P7 Biodiversity in new developments

Policy P11 – Sustainable Surface Water Management

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D8: Residential Infill Development

Policy D11: Noise Impacts

Policy D12: Light Impacts and Dark Skies

Policy D13: The corridor of the River Wey and Godalming Navigations

Policy D14: Sustainable and Low Impact Development

Policy D15: Climate Change Adaptation

Policy D16: Carbon Emissions from Buildings

Policy D20: Conservation Areas.

## Policy ID10: Parking Standards for New Development

### Neighbourhood Plans:

Send Neighbourhood Plan May 2021

Policy Send 1 Design

Policy Send 2 Housing

Policy Send 4 Green and Blue Infrastructure

Policy Send 7 Supporting Sustainable Transport

Policy Send 8 Car Parking Provision

### Supplementary planning documents:

Residential Extensions and Alterations SPD (2018)

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

Parking Standards for New Development (2023)

Residential Design Guide SPG (2004)

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on the scale and character of the existing site
- the impact on neighbouring amenity
- highway/parking considerations
- the impact on the character of the conservation area
- landscaping
- Sustainability
- Flooding and drainage
- Ecology
- Service arrangements
- Thames Basin Heath Special Protection Area
- legal agreement requirements
- Previous reasons for refusal and appeal
- Conclusion

### Principle of development

The application site is located within Send Village and inset from the Green Belt with the Green Belt boundary positioned to the west and south of the site.

Policy S2 of the LPSS outlines where housing should be located within the Borough and this identifies that land proposed to be inset in villages should provide approximately 252 homes, this figure has been derived from site allocations and Land Availability Assessments. It is noted that the site has not been identified within the SHLAA, however, this does not preclude development coming forward. In addition, the NPPF states that it is the governments objective to significantly boost the supply of homes and decisions should promote an effective use of land in meeting the need for homes. The site is inset from the Green Belt and therefore the principle of development is considered to be acceptable subject other considerations.

### Character of the area

The surrounding area is characterised by detached properties in good sized plots. Along Potters Lane the properties are generally within a linear form. However, the grain of development is looser towards the North of the Lane, with a number of properties accessed off Potters Lane from several access drives from the Lane. Policy D1 of the LPSS states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development. Policy D4 of the LPDMP echoes this and advises that development proposals are expected to demonstrate high quality design in relation to layout, form and scale of the buildings, appearances landscaping, materials, and detailing. They are required to reflect appropriate residential densities. Policy Send 2 from the Neighbourhood plan requires development that reflects the character and settlement pattern.

In the previous planning appeal 20/P/00482 the Inspector commented that the area has a semi rural character and an informal appearance. The proposal would be for five properties of varied design and in good sized plots with substantial gaps to the between each property.

The previous dismissed scheme was for 29 units and being a combination of terrace properties, semi detached and detached properties and would have a suburban character. In dismissing the appeal, the inspector noted that the density of development whilst is not dissimilar to that of the development further north, the

appeal proposal would significantly intensify the amount of development on the rural edge of the village. The revised scheme has significantly reduced the numbers of the proposal from 29 to five dwellings with the properties being detached and being in more spacious plots, being more reflective to that in the surrounding area. It is therefore considered that the proposal would be in keeping with the established character and pattern of development of the surrounding area and responds to the pattern of development in the area. Therefore it is considered that the proposal would comply with Policies D1 of the LPSS, D4 of the LPDMP and Send 2 of the Send Neighbourhood Plan.

#### Impact on character of the site.

The site is currently predominantly open with a detached bungalow which has accommodation in the roof and single storey outbuildings. The existing bungalow would be retained at the site, with off street parking being retained to the front of the site. The proposal would be for chalet style bungalows of varied design with off street parking to the front of the site and would retain good separation distances of at least 12 metres to the western boundary, N.B. this increases to over 20 metres around the site. It is considered that this would be in keeping with the established character of the site.

#### Impact on residential amenity on existing and future occupiers.

Policy D5 of the LPDMP required development proposals to avoid having an unacceptable impact on the living conditions of existing residential properties or result in unacceptable living conditions for new residential properties. The policy lists a number of considerations which need to be taken into account when considering the impact on the amenities of the occupiers of existing and future occupiers. These include, privacy and overlooking, visual dominance and overbearing effects, access to sunlight and daylight, artificial lighting, noise and vibration and odour, fumes and dust.

The proposed dwellings would have good separation distance to the boundaries and between properties with no windows facing either property. It is therefore considered that the proposed units would not materially harm the amenities of the occupiers of each unit. The proposed dwellings would not be any closer to neighbouring residential properties than the existing built form and as such would not result in overlooking or loss of privacy. The units would be accessed via an existing driveway which is located between two residential properties. The additional number of trips to and from the site as a result of this would affect the

amenities of the properties of the adjacent properties to some degree, through noise generated from vehicular movements. However, the submitted transport assessment notes that the number of trips would be limited during peak hours (3 each way trips). It is considered that given the limited number of units the additional traffic past the adjacent neighbouring properties would not materially harm the amenities of the occupiers of the adjacent neighbouring properties through any noise or vibration.

The proposed construction period may result in dust, noise and vibration, but dust suppression could be controlled by condition.

The site does not propose any lighting columns in the site layout, with the only lighting being lighting of private properties. It is considered that lighting on private properties would be unlikely that the proposal would result in light pollution which would be detrimental and harmful to the occupiers of the adjacent neighbouring properties. However, a condition is recommended to preserve the amenities of the area and the impact on wildlife in the area.

Furthermore, the layout of the proposal would be such that there would be no direct overlooking between properties. Therefore it is considered that the proposal would not result in any loss of privacy to the occupiers of the existing properties or the future occupiers of the dwelling.

It is therefore considered that the proposal would comply with Policy D5 within the Local Plan in this regard.

### Conservation Area

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions



mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

NPPF provisions:

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

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

The Wey Navigation is located approximately 133 metres to the west of the site. There is a tow path along eastern side of the navigation which links to footpath 55 which runs close to the southern boundary of the site. The Navigation is predominantly open with some mature planting on land adjacent to the site.

The site is currently screened by an earth bund with bamboo planted on top along the western boundary of the site and there is an existing large green agricultural barn located on land between the application site and the navigation.

The Planning Inspector for the previous appeal for 29 units stressed the importance of the Rural Landscape between the built up area along Potters Lane and the river to the setting of the Wey and Navigation, specifically stating that the application site made a positive contribution to the setting by virtue of its largely undeveloped character.

The Inspector commented that the proposal of 29 units resulted in a moderate level of less than substantial harm to the Wey Navigation Conservation Area. The

Council's Conservation Area Officer acknowledges that the number of units has been reduced, but considers that the proposal would still be visually significant and considers that there would still be a moderate less than substantial harm to the significance of the Wey Navigation Conservation Area.

Since the decision from the Inspector the planting along the western boundary of the site has become more established and views towards the site have been lessened.

The revised scheme has reduced the number of units from 29 to 5, gives the site a more spacious appearance in keeping with that of the adjacent area, it has moved development away from the boundary of the site, and included additional landscaping to soften the appearance. Furthermore the applicant has also reduced the heights of the proposed dwellings thereby further assisting to reduce the prominence of the properties when viewed from the Conservation Area.

It is considered that the by nature of the reduction in number of units, the reduction of height of the units and the additional landscaped planting, the proposed development would be in keeping with the spacious character of the area and not have a material visual impact on the character and appearance of the Conservation Area, especially when noting the agricultural use and large building adjacent to the site and other residential uses immediately adjacent to the Conservation Area to the north of the site. Furthermore, the site is inset from the Green Belt, where the NPPF states that the governments objective to significantly boost housing supply and that policies should promote an effective use of land in meeting the need for homes.

The proposal would result in less than substantial harm to the significance of the designated heritage asset. In line with para 202 of the NPPF it is necessary to weigh this against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

No material harm to the designated heritage asset has been identified and having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 and policies within the Local Plan and the Send Neighbourhood Plan

Highway and access

The site would be accessed via an existing accessway off Potters Lane. This currently serves one unit and the use of the accessway would be increased from one to six. The submitted Transport Statement identifies that the proposed development would provide 14 car parking spaces which would comply with the adopted car parking standards. EV charging points would be provided at each of the properties and there cycle storage would also be provided. The submitted Transport Statement outlines that the proposal would generate an additional three vehicle movements in both the morning and evening. Surrey County Highways raise no objection to the application subject to conditions regarding visibility zones as per the submitted plans, parking layout as per the submitted plans and EV charging points for vehicles. The proposal is therefore considered to comply with Policy ID3 of the LPSS and the adopted Car parking Supplementary Planning Document.

The proposed properties would each have their own private refuse area. The submitted Transport Statement and addendums to it show that the access track can accommodate the Council's refuse vehicles and turn around at the site. Therefore the Council's technical Support and Improvement Officer also raises no objection to the application and the proposal would comply with Policy D6 of the LPDMP and Policies 7 and 8 of the Send Neighbourhood Plan.

### Ecology

The applicant has submitted an Ecology Report which includes a walk over survey. This outlines that there are no records of any badger sets, on the site, although there is a badger run close to the boundary of the site and no evidence of bats are roosting on the site. The report concludes that there are no protected habitats on site that would be affected by development at the site. However, measures to minimise potential disturbance to wildlife should be incorporated in the development. In addition, measures to improve wildlife channels through the site and biodiversity at the site are recommended. The Surrey Wildlife Trust raise no objection to the application subject to conditions regarding sensitive lighting scheme and a Landscape Ecological Management Plan and that the measures outlined in the Precautionary Working Method Statement are followed. The proposal would therefore comply with Policy ID4 of the LPSS and P6 and P7 of the LPDMP

## Landscaping

The application site is bounded by an earth bund which has bamboo planted on top. This runs along the majority of the western boundary with the adjacent neighbouring site (Moorland Chase). NB. The earth bund and bamboo screen are outside of the application site. There are also mature planting on the Southern and northern boundaries. The submitted tree protection plan shows tree protection measures to be installed around the trees to be retained on the site and immediately outside of the site. The proposed landscaping plan shows landscaping to be enhanced on all boundaries being a mixture of native planting.

The site can be viewed from the public footpath to the south and from the Wey Navigation to the west of the site. However, the existing boundary screening and proposed additional landscaping would assist in screening this view and limiting any impact. The Council's Tree Officer raises no objection to the proposed application subject to condition regarding compliance with the submitted Arboricultural Method Statement. It is therefore considered that the proposal would comply with policies D5 and P6 of the LPDMP.

## Sustainability

The NPPF emphasises the need to support the transition to a low carbon future in a changing climate and new developments are required to meet the requirements of paragraph 154 through suitable adaptation measures, including through the planning of green infrastructure and reduce greenhouse gas emissions. Paragraph 157 then states new development should comply with local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy D2 of the LPSS requires new development to take sustainable design and construction principles into account, including by adapting to climate change, and reducing carbon emissions and Policies D2(3) and (11) requires sustainability and energy statements to be submitted. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020.

Policies D14, D15 and D16 of the LPDMP carry full weight and build on policy D2. In the context of the Council declaring a climate emergency in July 2019 and the UK having a legally binding target of reducing all greenhouse gas emissions to net zero

by 2050 with an interim target of 78% reduction against 1990 levels by 2035.

Following adoption of the LPDMP D16: Carbon Emissions from Buildings (1), (2), (3), (4), would supersede D2: Climate Change, Sustainable Design, Construction and Energy (5), (6), (7), (9).

A fabric first approach is required under Policy D14(1) in accordance with the energy hierarchy. Through the use of low energy design and energy efficient fabric. Then Policy D2(1), (5), (9) of the LPSS and Policy D16 of the LPDMP require measures for low and zero carbon and decentralised energy.

With regard to sustainable design and lifestyles Policy D2(1)(c), (e) of the LPSS seeks to ensure that there are sustainability measures to offer choices.

The application includes a Climate Change, Energy and Sustainable Development Questionnaire This document set out the following sustainability measures to be incorporated in the proposed development:

- Any mineral waste will be stored separately from general waste and will be reused or recycled.
- where practical locally sourced materials will be specified
- all structural timber will be FSC or PEFC certified
- The development will be constructed using Structurally Insulated Panels (SIPS) which are energy efficient and improve air tightness and reduce thermal bridging
- all houses have good solar orientation
- the design of the houses includes passive cooling methods and provides for cross ventilation and large window openings
- rainwater harvesting will be provided for landscape maintenance
- there will be no rainwater runoff off site and any rainwater runoff will discharge to soakaways, which will allow it's slow release back into the ground.
- it is proposed to install air source heat pumps to all houses.
- minimum estimated carbon reduction from Target Emission rate of between 57 and 65% across the buildings. TER of 40%

From the information provided it has been demonstrated that a fabric first approach has been followed. Conditions are recommended to secure a waste minimisation strategy and the required water efficiency measures. The applicant has not submitted SAP ratings to demonstrate how the TER ratings will be

achieved, however, this can be secured by condition. Subject to conditions, it is considered that the proposal would comply with policies in the local plan.

### Flooding and land drainage

The application site is within flood zone one and not at risk from fluvial flooding. The submitted Flood Risk Assessment (FRA) details that surface water drainage from roofs on each residential property would be managed on site using geocellular crates which will discharge into soakaways. The shared access road would have permeable paving with the existing track drain as per the existing situation. The FRA also refers to maintenance of the on site SuDS features and therefore this is considered to comply with Policy P4 of the LPSS.

### Service arrangements

The site would be serviced using the existing accessway. The applicant has submitted plans tracking refuse vehicles at the site. Each property would have their own refuse areas and the Council's Technical Support and Improvement Officer raises no objection to the application.

### Thames Basin Heath Special Protection Area

The application site is located within 400m to 5km buffer zone of the Thames Basin Heaths SPA. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the Thames Basin Heath through increased dog walking and an increase in recreational use. The application proposes a net increase of 5 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

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. Natural England (NE) has advised that it 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.

The applicant has submitted a draft Unilateral Undertaking to secure the necessary contributions. As such, it is concluded that the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy 2017 and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

#### Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require S.106 agreements to be:

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

As the application proposes the provision of additional residential units, in order for the development to be acceptable in planning terms, a S.106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the Habitats Regulations, a S.106 agreement is required to ensure that the 3 additional residential units proposed by this development would not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above.

#### Previous reasons for refusal and dismissal

in January 2022, the Planning Inspector dismissed an appeal for 29 dwellings following the demolition of Nos 92 and 94 Potters Lane. Concerns were raised

regarding the character of the area and the impact on the River Wey Navigation Conservation Area.

In dismissing the appeal the Inspector noted that the rural landscape between the built up area along Potters Lane and the River Wey Navigation form an important part of its setting and the appeal site because of its undeveloped character. The Inspector considered that the proposal would significantly harm the character and appearance of the area.

The revised scheme has increased the separation distance of the built form to the Conservation Area and has reduced the height of the units from approximately 8 metres to 7.4 metres. In addition, additional landscaping has been proposed along the boundaries of the site. In addition, the change to the layout of the site and reduction in numbers gives the proposal a more spacious form of development which is keeping with the established character of the area.

The Inspector commented that the proposal would have views to and from the Wey Navigation Conservation Area and notes the change in character of the Conservation the closer you get to Send Bridge to the North of the site. The Inspector commented that the proposal would have a moderate less than substantial harm to the Conservation Area. As previously identified the number of units has decreased, heights of the buildings lowered, separation distances to the Conservation Area has increased and additional landscaping is proposed. It is therefore considered that there are significant differences between the dismissed scheme and the proposed scheme and these overcome the previous concerns.

### Conclusion

The site is inset from the Green Belt and would provide additional homes in the borough with the layout being respectful to the established spacious character of the area. The proposal would not materially result affect the character and appearance of the Conservation Area, nor would it materially harm the residential amenities of the occupiers of the adjacent neighbouring properties. No concerns are raised the County Highways Authority on highway safety or the Surrey Wildlife Trust on ecology or biodiversity matters Trust subject to conditions. Therefore, it is considered that the proposal would comply with policies within the Local Plan and the application is therefore recommended for approval.



