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Contact Officer:

Sophie Butcher, Committee Manager.  
Tel: 01483 444056

24 August 2015

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** to be held in the **Auditorium, Guildford Baptist Church, Millmead, Guildford, Surrey GU2 4BE** on **WEDNESDAY, 2 SEPTEMBER 2015** at **7.00 pm**.

Yours faithfully

Satish Mistry  
Director of Corporate Services

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor Marsha Moseley  
Vice-Chairman: Councillor Tony Rooth

Councillor David Bilbé	Councillor Sheila Kirkland
Councillor Richard Billington	Councillor Bob McShee
Councillor Adrian Chandler	Councillor Susan Parker
Councillor Nils Christiansen	Councillor Tony Phillips
Councillor Colin Cross	Councillor Mike Piper
Councillor Graham Ellwood	Councillor David Quelch
Councillor Matt Furniss	Councillor Jo Randall
Councillor Angela Gunning	Councillor Caroline Reeves
Councillor Liz Hogger	Councillor Paul Spooner
Councillor Michael Illman	Councillor Jenny Wicks
Councillor Gordon Jackson	

**Authorised Substitute Members:**

Councillor Philip Brooker	Councillor Mike Hurdle
Councillor Alexandra Chesterfield	Councillor Nigel Kearse
Councillor Will Chesterfield	Councillor Julia McShane
Councillor Angela Goodwin	Councillor David Reeve
Councillor David Goodwin	Councillor Iseult Roche
Councillor Gillian Harwood	Councillor Matthew Sarti
Councillor Liz Hooper	Councillor Pauline Searle

**QUORUM 5**

A plans viewing session will take place prior to the meeting from 6.15 pm at the Baptist Church, Millmead, Guildford.



## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and borough:

- with strong infrastructure
- world-class businesses with capacity to expand and deliver growth
- an evolving and vibrant economy which creates a progressive and sustainable environment
- for people today and future generations living in an ever improving society.

### Five fundamental themes that support the achievement of our vision

- **Infrastructure** – working effectively with partners to drive development and business growth that will expand our economy
- **Economy** – to grow a sustainable economy that will support all aspects of life in our borough.
- **Development** – to ensure that there is appropriate infrastructure, commercial space and a range of homes, built sensitively, without damaging our heritage or countryside.
- **Sustainability** – to ensure the services we provide and the borough develops and grows, in the most sustainable way.
- **Society** – to evolve a self-reliant and sustaining community, while supporting our most vulnerable residents.

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

### Mission – for the Council

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give the community value for money, now and in the future.

### Developing our Council

To be a well led, collaborative organisation that has customer care and top quality at its heart. To have highly trained and proficient staff and councillors who challenge and learn.

## AGENDA

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

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

In accordance with the revised 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.

### **3 MINUTES (Pages 1 - 16)**

To confirm the minutes of the meeting of the Committee held on 12 August 2015 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 or the Director of Corporate Governance.

### **5 PLANNING AND RELATED APPLICATIONS (Pages 17 - 18)**

All current applications between numbers 14/P/01154 and 15/P/01156 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 14/P/01154 - Land at Foreman Road, Ash, GU12 6HE (Pages 19 - 46)**
- 5.2 14/P/01756 - Land to the rear of The Gables, Grange Road, Ash, GU12 6HB (Pages 47 - 62)**
- 5.3 14/P/02289 - Land to the north of Tannery Lane & east of, Wharf Lane, Send, Woking (Pages 63 - 108)**
- 5.4 14/P/02403 - Juniper House, White Lane, Ash, Guildford, GU12 6HJ (Pages 109 - 122)**
- 5.5 15/P/00293 - Land at Minley Nursery, Spoil Lane, Tongham, Farnham, GU10 1BP (Pages 123 - 144)**
- 5.6 15/P/00776 - Teulon House, High Street, Ripley, Woking, GU23 6AY (Pages 145 - 160)**
- 5.7 15/P/01034 - Leebrook, Effingham Common, Effingham, Leatherhead, KT24 5JE (Pages 161 - 168)**
- 5.8 15/P/01103 - 14 Pewley Way, Guildford, GU1 3PY (Pages 169 - 176)**
- 5.9 15/P/01156 - 20 Marlyns Close, Guildford, GU4 7LR (Pages 177 - 184)**

**6 PLANNING APPEAL DECISIONS** (Pages 185 - 244)

Committee members are asked to note the details of Appeal Decisions as attached at Item 6. Appeal numbers 1-8 were deferred from the 12 August 2015 meeting.

**WEBCASTING NOTICE**

This meeting will be recorded for subsequent broadcast on the Council's website. 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 make a representation to the meeting you will be deemed to have consented to being recorded. By entering the Council Chamber, you are also consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding webcasting of meetings, please contact Committee Services on 01483 444102.

### **NOTES:**

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's report.
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).
3. The Chairman will invite the local ward councillor who is a member of the Planning Committee to introduce the item at the start of the debate for which they will be allocated 5 minutes. The Committee will then debate the application:
  - (a) no speech shall subject to paragraph 4 below be longer than three minutes for all Committee Members;
  - (b) no councillor to speak more than once during the debate on an application; and
  - (c) members will look to avoid repetition of points made earlier in the debate.
4. In relation to the determination of a planning application within their ward:
  - (a) Any local ward councillor who is not a member of the Planning Committee, but who wishes to speak on that application, may do so at the discretion of the Chairman who shall not unreasonably withhold permission to speak. These speeches shall not exceed three minutes during the debate.
  - (b) A local member can propose a motion at the start of the debate, reserve their right to propose a motion later in the debate, or if the local ward councillor declines to propose a motion, the Chairman may call for any other Committee Member to propose a motion. The proposer of the motion, will be given a further period of up to two minutes to speak in support, and in default of anyone wishing to put a motion, the Chairman may do so to resolve the matter.
5. Any motion proposed by a Committee Member must be seconded by another Committee Member, before the Chairman puts it to the vote.
6. In advance of the main substantive vote, the Chairman may invite the Committee to vote on any proposed additional condition(s) or amendment(s) to proposed conditions, informatives or reasons for a decision, as appropriate, provided that any such proposal has been properly moved and seconded.
7. A Committee Member moving any motion or amendment must provide supporting reasons based around relevant planning policies and material considerations.
8. A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for a site visit or further information/advice backed by supporting reasons).

- (ii) Meetings of the Planning Committee shall end by 10.30 pm except:
- where it appears to the Chairman that the remainder of the Agenda can be completed expeditiously thereafter or where a debate on a specific matter has not been completed by 10.30 pm; or
  - where the Committee decides that specific matters should be considered at that meeting.

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

- (iii) 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 Executive Head of Governance detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Executive Head of Governance 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.

## **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 2003 (as saved by CLG Direction on 24 September 2007) policies in so far as they conform with the National Planning Policy Framework (NPPF) (March 2012). Policies H1, H10, S1, GT4, RE7, HE11 and U1 are no longer in effect.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

## **Human Rights Act 1998**

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

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

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

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

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

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

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

- 3 Article 14: prohibition from discrimination

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

- 4 Article 1 Protocol 1: protection of property;

*Every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the state retains the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

- 5 Article 2 Protocol 1: right to education.

*No person shall be denied the right to education.*

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR



must be just and proportionate to the objective in question and must not be arbitrary, unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

### **Costs**

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

However, where:

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

The word "unreasonable" is used in its ordinary meaning as established in the courts in *Manchester City Council v SSE & Mercury Communications Limited 1988 JPL 774*. Behaviour which is regarded as unreasonable may be procedural or substantive in nature. Procedural relates to the process. Substantive relates to the issues arising on the appeal. The authority is at risk of an award of costs against it if it prevents or delays development, which should clearly be permitted having regard to the development plan. The authority must produce evidence to show clearly why the development cannot be permitted. The authority's decision notice must be carefully framed and should set out the full reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. The Planning authority must produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If the authority cannot do so it is at risk of a costs award being made against it for unreasonable behaviour. The key test is whether evidence is produced on appeal which provides a respectable basis for the authority's stance in the light of *R v SSE ex parte North Norfolk DC 1994 2 PLR 78*. If one reason is not properly supported but substantial evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

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## PLANNING COMMITTEE

Councillor Marsha Moseley (Chairman)  
The Deputy Mayor, \* Councillor Tony Rooth (Vice-Chairman)

- |                                 |                              |
|---------------------------------|------------------------------|
| * Councillor David Bilbé        | Councillor Sheila Kirkland   |
| * Councillor Richard Billington | * Councillor Bob McShee      |
| * Councillor Adrian Chandler    | * Councillor Susan Parker    |
| Councillor Nils Christiansen    | * Councillor Tony Phillips   |
| * Councillor Colin Cross        | * Councillor Mike Piper      |
| * Councillor Graham Ellwood     | * Councillor David Quelch    |
| * Councillor Matt Furniss       | * Councillor Jo Randall      |
| * Councillor Angela Gunning     | * Councillor Caroline Reeves |
| * Councillor Liz Hogger         | * Councillor Paul Spooner    |
| * Councillor Michael Illman     | * Councillor Jenny Wicks     |
| * Councillor Gordon Jackson     |                              |

\*Present

The webcast for this meeting is available to view [here](#).

### **PL45 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

In accordance with procedure rule 23(j), Councillors Liz Hooper and Nigel Kears attended as substitutes for Councillors Nils Christiansen and Sheila Kirkland.

APOLOGIES FOR ABSENCE were received on behalf of Councillors Marsha Moseley, Nils Christiansen and Sheila Kirkland.

### **PL46 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

Councillor Tony Rooth declared a disclosable pecuniary interest in application 14/P/02018 Allianz Insurance, 57 Ladymead, Guildford, GU1 1BZ by virtue of the fact that his partner worked for Allianz Insurance. Councillor Jenny Wicks was nominated and seconded to act as Chairman for this item only.

Councillor Ellwood declared an interest of bias in application 14/P/02018 Allianz Insurance, 57 Ladymead, Guildford, GU1 1BZ by virtue of the fact that his son worked for the company. However, given the fact that his son was shortly leaving the company, Councillor Ellwood was not precluded from the consideration of this item.

### **PL47 MINUTES**

The minutes of the meetings of the Planning Committee held on the 22 July 2015 were approved as a correct record and signed by the Chairman subject to an amendment that Councillor Nigel Kears had attended as a substitute member for Councillor Graham Ellwood and not the Deputy Mayor, Councillor Gordon Jackson.

### **PL48 ANNOUNCEMENTS**

The Vice-Chairman, Councillor Tony Rooth informed the committee that he would be acting as Chairman for this meeting owing to the fact that Councillor Marsha Moseley, Chairman was currently on annual leave.

**Exempt Items**

The Committee was reminded that 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.

**Procedure for determining planning and related applications**

The Chairman, Councillor Tony Rooth reminded the Committee that the procedure for determining planning and related applications was located on the second page of their agenda for reference.

The Planning Committee was quasi-judicial and that the Committee must base their decisions based upon the Local Plan 2003 and the National Planning Policy Framework (NPPF).

In this regard, in accordance with the requirements to make fair, open, balanced and objective decisions for each application on its merits, free of politics and previous ideas, councillors are required to read the officer's report, any late sheet reference and consider the representations made by public speakers at the committee meeting before reaching a decision.

**Location Change for Planning Committee Meetings**

The Planning Committee was reminded that owing to refurbishment works that will be undertaken to Council Chambers and committee rooms, the following Planning Committee meetings would be held at The Guildford Baptist Church, Millmead Centre, GU2 4BE:

- Wednesday 2 September
- Wednesday 23 September
- Wednesday 14 October and
- potentially Wednesday 4 November (to be confirmed)

**PL49      14/P/02018 - ALLIANZ INSURANCE, 57 LADYMEAD, GUILDFORD, GU1 1BZ**

<b>App No:</b>	14/P/02018	<b>Type:</b>	F	<b>8 Wk Deadline:</b>	14/08/2015
<b>Appn Type:</b>	Full Application				
<b>Case Officer:</b>	John Busher				
<b>Parish:</b>	Friary & St.Nicolas	<b>Ward:</b>	Friary & St.Nicolas		
<b>Agent :</b>	Lytle Associates	<b>Applicant:</b>	Mr Collin		
	Architects		Allianz PLC		
	20 Quarry Street		57 Ladymead		
	Guildford		Guildford		
	Surrey		Surrey		
	GU1 3UY		GU1 1DB		

**Location:** Allianz Insurance, 57 Ladymead, Guildford, GU1 1BZ

**Proposal:** Proposed multi storey car park including second floor bridge link to existing building, rebuilding of existing loading bay canopy, new pedestrian entrance at existing boundary wall, new enclosure to existing electrical substation and demolition of existing back-up electrical generator and housing.

The Chairman, Councillor Tony Rooth owing to the disclosable pecuniary interest he had declared in this application, withdrew from the meeting for the duration of the debate and vote. Councillor Jenny Wicks was nominated and seconded to preside as Chairman for this application.

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mr Blythe Dunk) – neighbour speaking in objection of the application.

(Mr Phil Bell) – Consultant speaking in support of the application.

(Mr Graham Gibson) – applicant speaking in support of the application.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED: That application 14/P/02018 be approved subject to the conditions and reasons as detailed below:

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: 1555\_30; 1555\_17; 1555\_15; 1555\_16; 1555\_47; 1555\_32; 1555\_05; 1555\_01; 1555\_31; 1555\_11; 1555\_10; LYT/1406032/3; LYT/1406032/2; LYT/1406032/1; 1555\_02; 1555\_03; 1555\_45; 1555\_42; 1555\_40; 1555\_42; 1555\_36 and 1555\_35 received on 06.10.14 and amended drawings 1555\_50A and 1555\_51A received on 22.07.15 and 1555\_46A received on 28.07.15.

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

3. No development shall take place until details and samples of the proposed external facing 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. These details are required before works begin as it goes to the heart of the permission.

4. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeology of the site can be understood, recorded and protected. This is required to be a pre-commencement condition, as these

details will need to be collected, before any archaeology is potentially disturbed by construction work.

5. Before the development hereby approved is brought into use, details of a scheme which satisfactorily controls glare from car headlights onto the A3 shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building is brought into use and shall be retained thereafter.

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

6. Prior to first use of the building hereby approved, an updated Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide. The updated Travel Plan shall include a review of the existing shower facilities, lockers, parking of bicycles and demand for such facilities.

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

7. Prior to first use of the two way accesses, a scheme showing carriageway markings and signage shall be submitted and approved in writing by the Local Planning Authority. Such details to include:-

a) Western most Access, adjacent to Pumping Station

i) Road markings at the junction to Ladymead extending up to and into the site access

ii) Giveaway markings from the Pump Station access

iii) Repositioning of the existing pedestrian walkway to align with the existing footway

iv) Cycle warning sign as vehicles exit the site

b) Eastern most Access, adjacent to Honeywell UOP Buildings

i) Road markings at the junction to Ladymead extending up to and into the site access

ii) Relocation of the existing pedestrian walkway to align with the existing footway

iii) Cycle warning sign as vehicles exit the site

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

8. The existing pedestrian gate at the Western most Access shall be permanently open for the operational hours of the offices.

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

9. Prior to commencement of the development a Car Parking Management Scheme shall be submitted for the written approval of the County Highway Authority. The scheme shall include parking management during the construction of the proposed multi-storey car park and after the development has been completed.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This is required to be a pre-commencement condition as these details will need to be agreed and in place before the existing surface level car park is closed for use during construction.

10. Within two months of the multi-storey car park becoming operational, the use of both the temporary parking at Woodbridge Meadows and the existing parking leased from Ladymead Retail Park for Allianz employees shall be permanently ceased.

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

11. Notwithstanding the approved plans, before the building hereby approved is brought into use details of (i) the predicted energy use of the development; and (ii) the type(s) of low or zero carbon technologies to be used and their design and position, shall be submitted to, and approved in writing by, the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon emissions. Such details as may be approved shall be implemented prior to the first occupation of the development and retained and maintained for the lifetime of the building.

Reason: To optimise renewable energy and its conservation.

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number G21030, dated June 2015 and prepared by Thomasons, accompanying drawings and the following mitigation measures detailed within the FRA:

- Flood water storage compensation to be fully implemented as detailed in the FRA and drawing number 1555\_56, revision -, dated June 2015, prepared by Lytle Associates Architects. This illustrates the provision of flood water storage compensation up to the 1% annual exceedance probability (AEP) plus 20% allowance for climate change plus an additional freeboard of 300mm.

Reason: To ensure that flood risk is not increased on site or elsewhere as a result of the development.

**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. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:

- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant entered into pre-application discussions with the Council. Although the submitted scheme has varied from the advice which was provided, the proposal, as amended through the application process, is deemed to be acceptable.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

**PL50 14/P/01154 - LAND AT FOREMAN ROAD, ASH, GU12 6HE**

<b>App No:</b>	14/P/01154	<b>Type:</b>	F	<b>8 Wk Deadline:</b>	31/01/2015
<b>Appn Type:</b>	Full Application				
<b>Case Officer:</b>	Kelly Jethwa				
<b>Parish:</b>	Ash	<b>Ward:</b>	Ash South & Tongham		
<b>Agent :</b>	Mr Geoff Armstrong Armstrong Rigg Planning The Exchange Colworth Science Park Sharnbrook Bedford MK44 1 LQ	<b>Applicant:</b>	Charles Church Southern c/o Agent		

**Location:** Land at Foreman Road, Ash, GU12 6HE  
**Proposal:** Proposed erection of 55 dwellings with associated access, car parking and open space.



12 AUGUST 2015

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mr Alan Norris)– neighbour speaking in objection of the application.

(Mr Andrew Gomm) – neighbour speaking in objection of the application.

(Mr Geoff Armstrong) – agent speaking in support of the application.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED:

- (i) Subject to the completion of a Section 106 Legal Agreement to secure:
  - 20 affordable housing comprising units comprising 9 x 2 bedroom houses 11 x 3 bedroom houses with a tenure mix agreed by the Housing Development Manager
  - SANG and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area
  - a transport contribution of £20,000 to provide two bus stops with Real Time Passenger Information
  
- (ii) That upon completion of (i) above, the application be determined by the Head of Planning. The preliminary view is that the application should be granted subject to conditions.

**PL51 15/P/00409 - FORMER BONSAI CENTRE, ST MARYS GARDEN, PERRY HILL, WORPLESDON, GUILDFORD, GU3 3RE**

<b>App No:</b>	15/P/00409	<b>Type:</b>	F	<b>8 Wk Deadline:</b>	19/08/2015
<b>Appn Type:</b>	Full Application				
<b>Case Officer:</b>	Hannah Carrington				
<b>Parish:</b>	Worplesdon	<b>Ward:</b>	Worplesdon		
<b>Agent :</b>	Mrs J Wunderlich	<b>Applicant:</b>	Mrs A Ball		
	Paradigm Planning Ltd		c/o Agent		
	PM House				
	Riverway Estate				
	Old Portsmouth Road				
	Guildford, Surrey				
	GU3 1LZ				

**Location:** Former Bonsai Centre, St Mary’s Garden, Perry Hill, Worplesdon, Guildford, GU3 3RE

**Proposal:** Erection of one detached dwelling following demolition of existing buildings, and the felling of a number of trees.

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mrs Janet Ashton) – neighbour speaking in objection of the application.

(Mrs Jayne Wunderlich) – agent speaking in support of the application.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED:

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

- a SANG and SAMM contribution based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area

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

**PL52 15/P/00776 - TEULON HOUSE, HIGH STREET, RIPLEY, WOKING, GU23 6AY**

**App No:** 15/P/00776      **Type:** F      **8 Wk Deadline:** 19/08/2015

**Appn Type:** Full Application

**Case Officer:** Michael Parker

**Parish:** Ripley

**Ward:** Lovelace

**Agent :** Mr Frank Taylor  
The Old Farm House  
Epsom Road  
Merrow  
Surrey  
GU4 7AB

**Applicant:** W B Green Ltd  
c/o Agent

**Location:** Teulon House, High Street, Ripley, Woking, GU23 6AY

**Proposal:** Re-development of the rear part (approximately half) of the existing building, including a two storey rear extension, use of the ground floor for Class A1 (retail) or Class A2 (financial & professional services) and creation of 2 x 1 bed residential flats on first floor with associated parking following demolition of part of the rear unlisted building in a Conservation Area.

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mr John Burns) – neighbour speaking in objection of the application.

(Mr Abbas Sheikh) – neighbour speaking in objection of the application.

(Mr Frank Taylor) – agent speaking in support of the application.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED: That application 15/P/00776 be deferred for a site visit to be held on Thursday 20 August 2015 at 9:30am. The Committee wanted to view:

- the potential impact on neighbouring residents, particularly no.1 Cobham Cottages in terms of their loss of amenity and access to sunlight by virtue of the proximity of the proposed development.
- The potential lack of parking provision.

The application would be considered by the Planning Committee at its next meeting on Wednesday 2 September 2015.

**PL53 15/P/01071 - ALDI, 93 LONDON ROAD, GUILDFORD, GU4 7JL**

**App No:** 15/P/01071      **Type:** A      **8 Wk Deadline:** 30/07/2015

**Appn Type:** Advertisement

**Case Officer:** John Busher

**Parish:** Burpham

**Ward:** Burpham

**Agent :** The Harris Partnership  
The Old Rectory  
79 High Street  
Newport Pagnell  
Buckinghamshire  
MK16 8AB

**Applicant:** Aldi Stores Ltd – Chelmsford  
Sheepcotes  
Springfield Business Park  
Chelmsford  
Essex  
CM2 5AS

**Location:** Aldi, 93 London Road, Guildford, GU4 7JL

**Proposal:** Display of one 'H' totem sign with two signcases, two corporate logo signcases and two poster boards (all internally illuminated). Display of one graphic vinyl on glazing, one vinyl logo on glazing and three graphic vinyls on aluminium (all non illuminated) (amended plans received 21.07.15 and description amended 21.07.15).

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mr Neil Langridge) – neighbour speaking in objection of the application.

(Mr Justin Griffiths) – agent speaking in support of the application.

The Committee noted the amendments and correction list whereby as part of the amended plans received on 21 June 2015, the applicant also removed proposed sign 15, which was a vinyl applied to the south-western elevation of the building. In error, sign 15 was included in the Committee Report. As such, the section 'Window vinyl signs on side elevation' on page 120 had been amended. In addition, informative one had been updated to include an additional drawing as part of the approved plans but did not change any part of the proposal.

The Committee noted that the proposal consisted of one totem sign which was five metres tall with an internally illuminated sign measuring 1.4 x 1.2 metres on the top and a smaller illuminated sign on the bottom measuring 0.9 x 1.2 metres. The totem was a similar size to the totem used on the BP garage forecourt opposite the site.

Building signs no. 8 and 12 were to be located on the elevations of the building fronting London Road and Burpham Lane.

In addition, a series of vinyl signs were proposed on the side elevation no.11 and 15, poster sign no. 13 and 14 situated to the east of the main entrance into the store and graphic vinyl signs on the rear elevation 16 to 18.

The Committee considered whether the signage proposed would be acceptable in terms of its impact on the amenity of the local area. The residents located at the Cloisters development were a specific concern given that the totem would be located within 8 metres from its site boundary. As well as impacting upon the residents located opposite at Kingside Parade.

After a full debate, a motion to refuse the application was proposed and seconded on the basis of loss of amenity and highway safety. The motion was lost.

The Committee agreed that the signage was appropriate and in keeping with the surrounding area. The signage was to be operated by condition restricting the illumination of the signs to be consistent with the store opening hours.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED: That application 15/P/01071 be approved subject to the conditions and reasons as detailed below:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement shall be sited or displayed so as to: (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

6. The advertisements permitted by this consent shall only be illuminated during the opening hours of the premises to which they relate.

Reason: In the interests of amenity and to safeguard the character and appearance of the area.

7. The illuminance of the signs hereby approved shall be strictly limited to the maximum levels as set out on the submitted planning application form.

Reason: In order to protect the amenity of the area.

**Informatives:**

1. This decision relates expressly to drawing(s) 6064B-153 A (received 12.08.15), 6064B-152 B (received 16.07.15) 6064B-150 C and 6064B-151 C (received 20.07.15) and 6064B-100 and additional information received on 04.06.15.

**PL54 15/P/00293 - LAND AT MINLEY NURSERY, SPOIL LANE, TONGHAM, FARNHAM, GU10 1BP**

**App No:** 15/P/00293      **Type:** F      **8 Wk Deadline:** 28/08/2015

**Appn Type:** Full Application

**Case Officer:** Paul Sherman

**Parish:** Ash

**Ward:** Ash South & Tongham

**Agent :** Mr David Neame  
Neame Sutton Limited  
West Suite  
Coles Yard Barn  
North Lane  
Clanfield, Hampshire  
P08 0RN

**Applicant:** Bewley Homes Plc c/o Agent

**Location:** Land at Minley Nursery, Spoil Lane, Tongham, Farnham, GU10 1BP  
**Proposal:** Proposed erection of fifty-five dwellings with associated vehicular and pedestrian access via Ash Green Lane West from Manor Road, emergency access from Spoil Lane, car parking and secure cycle storage, on site play space, landscaping and ecology management and servicing.

## EXCLUSION OF THE PUBLIC

The Committee

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the 1972 Act.

The Committee considered the exempt matter after which the press and public returned to the meeting for the item of committee business.

Prior to consideration of this application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rule 2(b):

(Mr Clive Handy) – neighbour speaking in objection of the application.

(Mr David Neame) – agent speaking in support of the application.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED: That application 15/P/00293 be deferred for a site visit to be held on Thursday 20 August 2015 at 9:30am. The Committee was concerned in relation to:

- whether the proposed erection of 55 dwellings would fit onto this parcel of land;
- the cumulative impact of this proposed development combined with a number of other developments in the immediate area;
- the extension of the urban area into countryside beyond the Green Belt and;
- increase of surface water flooding.

The Committee requested that a drainage engineer from Surrey County Council be requested to attend the site visit.

The application would be considered by the Planning Committee at its next meeting on Wednesday 2 September 2015.

### **PL55 15/P/00487 - ROMA, THE STREET, WEST CLANDON, GUILDFORD, GU4 7TG**

**App No:** 15/P/00487      **Type:** F      **8 Wk Deadline:** 21/05/2015

**Appn Type:** Full Application

**Case Officer:** Chris Gent

**Parish:** West Clandon

**Agent :**

**Ward:** Clandon & Horsley

**Applicant:**

Mr R Slot  
65 New St Johns Road  
St Helier  
Jersey  
Channel Islands  
JE2 3LE

**Location:** Roma, The Street, West Clandon, Guildford, GU4 7TG

**Proposal:** Erection of a new three bedroom dwelling following demolition of existing dwelling (amended plan received 25/06/2015).

The Committee considered whether the proposal represented an unacceptable form of development upon the neighbour's amenities, in terms of loss of light and an overbearing impact and loss of a small dwelling.

The Committee acknowledged that the existing dwelling was dilapidated. The Committee discussed the merits of the proposed design and noted that two dormer windows were proposed on the south roofslope facing the neighbouring property. This dormer window would be obscure glazed and permanently fixed shut. The second dormer window served a bedroom which faced the Ferndown garage roofslope and would not result in an unacceptable loss of privacy or overlooking.

A motion to refuse was proposed and seconded on the basis of design and the effect on neighbouring amenity. The motion was lost.

Having taken account of the representations received in relation to this application, the Committee

RESOLVED: That application 15/P/00487 be approved subject to the conditions and reasons as detailed below:

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: drawing 2 received on 26/03/2015 and amended plan 04-01 received on 25/06/2015.

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

3. No development shall take place 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. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

4. The dormer window in the south elevation (serving a en-suite) of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

5. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.

Reason: To eliminate any damage to the root system of the trees situated on site and within the land associated with 'Ferndown' to ensure long term survival of the tree contributing to the public amenity and local area. It is considered necessary for this to be a pre-commencement condition because a satisfactory Arboricultural Method Statement goes to the heart of the planning permission.

6. No development shall start on site until details of (i) the predicted energy use of the development; and (ii) the type(s) of low or zero carbon technologies to be used, have been submitted to, and approved in writing by, the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon emissions. Such details as may be approved shall be implemented prior to the first occupation of the development and retained and maintained for the lifetime of the building.

Reason: To reduce carbon emissions and incorporate sustainable energy. In accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011. It is considered necessary for this to be a pre-commencement condition because the reduction of carbon emissions and incorporation of sustainable energy goes to the heart of the planning permission.

7. 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 8 am and 6 pm Monday to Friday and 8 am to 1.30 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.

8. Work should be carried out in accordance with the requirements under the discussion and recommendations section of the SWT Bat Survey ref C2678 dated December 2014.

Reason: To ensure compliance with the legal protection afforded to bats.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:



- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant did not enter into pre-application discussions and did not seek any advice before submitting the application. However, the proposal was deemed to be acceptable as submitted and no amendments were required in this instance.

3. The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommended you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. Thames Water can be contacted on 0845 850 2777.
4. The applicant is advised that in respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

**PL56 PLANNING APPEAL DECISIONS**

In accordance with procedure rule 30(b), the Committee RESOLVED to defer this item to the next meeting.

The meeting finished at 10.45 pm

Signed .....

Chairman

Date .....

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**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**  
**02/09/2015**

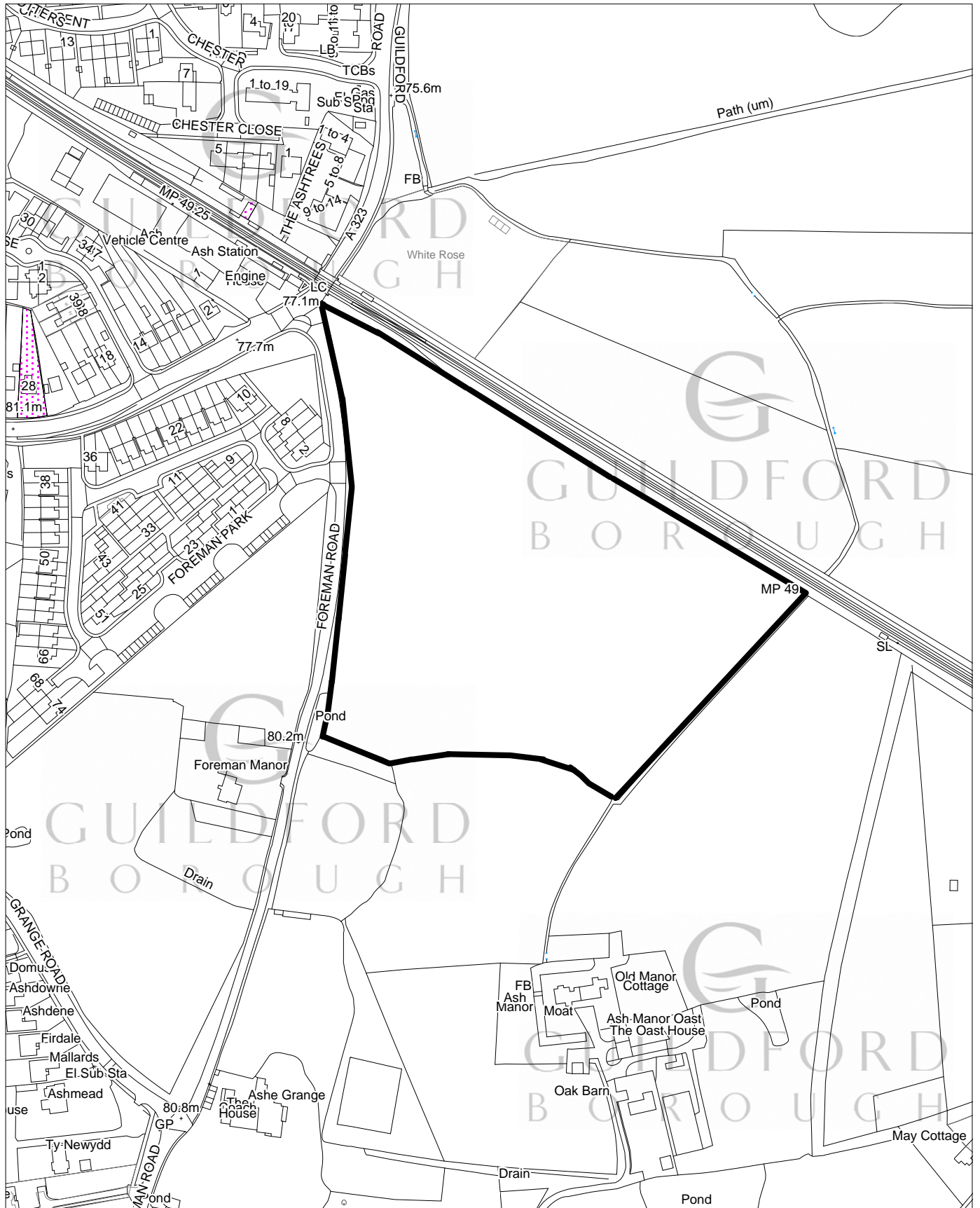
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Ash	Charles Church Southern c/o Agent	Land at Foreman Road, Ash, GU12 6HE	14/P/01154	S106	19
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.2	Ash	K&S Construction Ltd	Land to the rear of The Gables, Grange Road, Ash, Aldershot, GU12 6HB	14/P/01756	S106	47
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.3	Send	BargeWalk Ltd, Ferry Yacht Station	Land to the north of Tannery Lane & east of, Wharf Lane, Send, Woking	14/P/02289	APPC	63
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.4	Ash	Mr Rafferatti, Juniper House	Juniper House, White Lane, Ash, Guildford, GU12 6HJ	14/P/02403	S106	109
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.5	Ash	Bewley Homes Plc c/o Agent	Land at Minley Nursery, Spoil Lane, Tongham, Farnham, GU10 1BP	15/P/00293	S106	123
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.6	Ripley	W B Green Ltd, c/o Agent	Teulon House, High Street, Ripley, Woking, GU23 6AY	15/P/00776	S106	145
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.7	Effingham	Mr Richards, Leebrook	Leebrook, Effingham Common, Effingham, Leatherhead, KT24 5JE	15/P/01034	APPC	161
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.8	Holy Trinity	Mr Stephen Payne, 14 Pewley Way	14 Pewley Way, Guildford, GU1 3PY	15/P/01103	APPC	169
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.9	Burpham	Mr & Mrs McIntyre, 20 Marilyns Close	20 Marlyns Close, Guildford, GU4 7LR	15/P/01156	APPC	177

**Total Applications for Committee**

**9**

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# 14/P/01154 - Land at Foreman Road, Ash



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Not To Scale

14/P/01154 – Land at Foreman Road, Ash



**App No:** 14/P/01154      **Type:** F      **8 Wk Deadline:** 09/09/2015  
**Appn Type:** Full Application  
**Case Officer:** Kelly Jethwa  
**Parish:** Ash      **Ward:** Ash South & Tongham  
**Agent :** Mr. Geoff Armstrong      **Applicant:** Charles Church Southern c/o  
Armstrong Rigg Planning      Agent  
The Exchange  
Colworth Science Park  
Sharnbrook  
Bedford  
MK44 1LQ

**Location:** Land at Foreman Road, Ash, GU12 6HE  
**Proposal:** Proposed erection of 55 dwellings with associated access, car parking and open space.

### **Officer's Report - Updated**

#### **Reason for deferral**

This application was deferred from the Planning Committee meeting held on 12 August 2015, to allow Members to undertake a site visit to assess the proposed access works. The site visit took place on Thursday 20 August 2015.

The original agenda report is set out in Appendix 1 and the following information is reproduced from the late lists that were published on 12 August 2014.

#### **Impact on the character of the area**

The applicant has submitted detailed plans of the proposed hard landscaping proposals these specify the surfacing materials and would be satisfactory for the proposed development.

#### **Appendix 1**

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.

#### **Site description.**

The proposed development site comprises approximately 1.49 hectares of previously undeveloped land on the eastern side of Foreman Road. It forms part of a larger land holding of nearly 4.0 hectares.

The site is relatively flat with a slope to the north eastern corner, and is roughly anvil in shape with the northern/ north eastern boundary abutting the railway line. The north western corner of the site would adjoin the existing level crossing on the junction of Foreman Road and Ash Church Road (A323). There is a mature hedgerow and trees along the length of the boundary to Foreman Road, which is protected by a Tree Preservation Order (TPO), a watercourse beyond the eastern boundary, and there are trees and vegetation along the other site boundaries.

Agenda item number: 5(1)

To the west are residential houses in Foreman Park with a public footpath linking Foreman Road and Ash Church Road (A323) on the opposite side of the road. There is an Area of High Archaeological Potential (AHAP) immediately to the south around Ash Manor and this collection of buildings is statutory listed buildings. Furthermore, parts of the site are identified as being in at a 1 in 1,000 year risk of surface water flooding.

The site is outside the urban area in Countryside Beyond the Green Belt (CBGB) and within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA).

### **Proposal**

Proposed erection of 55 dwellings with associated access, car parking and open space.

The following amendments were secured during the course of the application:

- Omission of onsite Suitable Alternative Natural Green Space (SANGS);
- amendments to siting of units 14, 36, 37, 42 and 50 which were previously hard up against the plot boundary;
- amendments to siting of Unit 42 so its siting could better address the street;
- amendment to siting of Unit 51 to reduce set back from the road;
- amendment to the built form around the garden to Unit 52 so that it is no longer surrounded by garages;
- garages to Units 39 and 40 brought forward to avoid large expanse of hardstanding
- removal of pedestrian access to south;
- the layout around the previous plots 42, 43 and 50 amended to address concerns regarding high garden fencing abutting large sections of the road;
- a LEAP and associated buffer zone provided rather than a LAP;
- revision of parking spaces to the north so this part of the site is less dominated by hardstanding;
- improved spacing between some dwellings to allow direct access to back gardens and car parking spaces to ensure their usability;
- a new bin collection point proposed to the south of the site in order to meet the 30m distance standards;
- a number of minor revisions to the road geometry to ensure that refuse vehicle manoeuvring is possible throughout the site;
- the eastern garden wall to plot 1 moved away from the footpath;
- new house types proposed for plot 16 (3B.2) and plot 17 (699.1 Trafalgar) and plots 34 and 35 (999.A) which have windows in the side elevation to address concerns about blank elevations;
- amendments to the layout for plots 39-42 to improve overall spacing;

Density: 36.9 dwellings per hectare

The schedule of properties is:

2 beds = 17 units

3 beds = 29 units

4 beds = 9 units

Affordable units: 20 (36.3% of total)

Number of car parking spaces: 117

81 = allocated surface spaces

33 = garages

3 = visitor surface spaces (for the affordable units)



The proposal includes an area of open space towards the centre of the site and there would be a separate Local Equipped Area of Play (LEAP) in the corner of the site near the level crossing.

The applicant conducted a public exhibition at Ash Centre on 07.11.2013. This was an opportunity for the local community to learn and comment on the proposals.

### **EIA Development?**

The application seeks permission for 55 residential units on a site of approximately 2.5ha. The development does not fall within Schedule 1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended, however the development is an Urban Development Project, which are listed at section 10(b) of Schedule 2. The proposal is however well below screening threshold of 150 dwellings and 5 hectares set by the 2015 amendment regulations.

The site is not in a "sensitive area" as defined in the Regulations. The development is therefore not considered to be EIA development.

### **Relevant planning history.**

No relevant planning history.

### **Consultations.**

County Highway Authority: no objection, subject to conditions including the following waiting restrictions, dropped kerbs and tactile paving and a legal agreement for a contribution to the Real Time Passenger Information on the existing bus stops.

Network Rail: no objection, and is looking to work with the developer on any highway and pedestrian access improvement works. They have provided details of permitted species adjacent to the railway boundary.

[officer comment: this can be included in a landscaping condition]

Natural England: no objection, subject to s.106 agreement to secure contribution towards SANGS and SAMM and a Grampian condition preventing development commencing until the Council has confirmed in writing that the SANGS has been delivered.

Environment Agency: no objection, however the sewerage network capacity should be confirmed with Thames Water and surface water measures should ensure rates from the site do not increase and where possible there should be a betterment.

Thames Water: no objection:

- Water comments – suggest a Grampian condition that as the sewerage undertaker they are consulted on any condition for a drainage strategy;
- Surface Water Drainage - it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer

Surrey Wildlife Trust: no objection, suggest a whole-site of landscaping management plan should be finalised prior to planting and management of the ditches along the southern and eastern boundaries.

[officer comment: this can be included in a landscape management plan condition]

Housing Manager: no objection, as the development would deliver 20 (36.3 percent) affordable homes and this is above the policy requirement of 35 percent.

Surrey Police, Crime Prevention Design Advisor: no objection and pleased to see the use of different surfacing materials to for surfaces and rumble strips across the site.

Surrey County Council Archaeology: no objection, subject to a condition following the findings of the geophysical survey that there are suggestions of archaeological features but that there are no distinct anomalies that would suggest intensive previous activity.

Drainage Consultant (The Stilwell Partnership): no objection, subject to conditions for a geotechnical report, maintenance scheme and SuDS system.

Head of Operational Services (Drainage Engineer): no objection, subject to conditions for a detailed surface water scheme. The proposal would reduce the amount of water discharging from the site into the existing open watercourse (ditch), at a maximum rate of 1 in 2.6 years. As heavy rainfall would be held back and stored within the proposed balancing pond and the run-off into the existing ditch would be controlled at a restricted flow, which is equal to the 'mean' greenfield run-off from this site. This would be the same as the amount of water that is discharging into the watercourse at present under a 1 in 2.6 year storm, before any development occurs, which is an acceptable design.

Head of Community Care Services (Environmental Health): No objections, subject to conditions that the mitigation measures identified in the noise and vibration assessment are ensured by condition.

Recycling and Cleansing Manager: no objection, as the turning radius for refuse vehicles is acceptable

Ash Parish Council: objects and has raised the following matters:

- overdevelopment
- risk to highway safety from vehicular access
- poor pedestrian access to Ash Station
- harm to character of the area
- flood risk
- cumulative impact of development on traffic congestion

Ash Residents Association: objects and has raised the following matters:

- flood risk
- foul sewerage capacity
- harmful impact on the Thames Basin Heaths Special Protection Area
- traffic congestion on alternative routes to A323
- risk to school children from additional vehicle movements
- need for a bridge over the railway crossing

Ash Green Residents Association: objects and has raised the following matters:

- lead to the coalescence of settlements contrary to policy RE4
- flood risk
- harmful impact on the Thames Basin Heaths Special Protection Area
- traffic congestion on alternative routes to A323
- poor pedestrian access to Ash Station
- overflow car parking onto Foreman Road would be harmful to highway safety
- need for a bridge over the railway crossing

Tongham Parish Council: objects and has raised the following matters:

- cumulative impact of development on local infrastructure and traffic congestion

Tongham Residents Association: objects and has raised the following matters:

- overdevelopment
- risk to highway safety from vehicular access
- flood risk
- cumulative impact of development on local infrastructure and traffic congestion

**Third party comments:**

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

- parking congestion
- obstructive parking risk to highway safety
- flood risk
- risk to pedestrians as no pavement proposed
- pressure on local infrastructure/services
- traffic movements
- vehicular access a risk to highway safety  
[officer comment: the position of the access has been revised and there is no objection from the County Highway Authority]
- need for a bridge over the railway crossing  
[officer comment: the applicant has agreed to work in co-operation with Network Rail and has left space for a potential footbridge]
- alternative scheme preferred  
[officer comment: the Council can only consider the scheme before it]
- loss of countryside
- no need for development
- cumulative impact of residential developments
- loss of wildlife and habitats
- noise and disturbance
- harm to the character of the area
- loss of archaeological assets
- no new Local Plan
- coalescence of settlements

One further objection response was received, with no matters raised.

**Planning policies.**

**National Planning Policy Framework (NPPF)**

Achieving sustainable development - core principles

Chapter 4. Promoting sustainable transport

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 8. Promoting healthy communities

Chapter 10. Meeting the challenge of climate change, flooding and coastal change

Chapter 11. Conserving and enhancing the natural environment

**National Planning Practice Guidance (2014)**

**Written statement to Parliament: Planning update (March 2015)**

**South East Plan 2009**

NRM6 Thames Basin Heath Special Protection Area

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

G1 General Standards of Development  
G5 Design Code  
G6 Planning Benefits  
H11 Affordable Housing  
RE4 Countryside Beyond the Green Belt  
NE1 Potential Special Protection Areas  
NE4 Species Protection  
NE5 Development Affecting Trees, Hedges and Woodlands  
R2 Recreational Open Space in Large Residential Development

**Supplementary planning documents**

Manual for Streets (2010)  
Planning Contributions SPD (2011)  
Sustainable Design and Construction SPD (2011)  
Vehicle Parking Standards SPD (2006)  
Surrey County Council Vehicular and Cycle Parking Guidance (2012)  
Residential Design Guide (2004)  
Thames Basin Heath Special Protection Area Avoidance Strategy (2009-2016)  
Landscape Character Assessment (2007)

**Emerging Local Plan evidence base**

Strategic Housing Land Availability Assessment (SHLAA) (2014)  
Green Belt and Countryside Study (GBCS) (2014)  
Draft Local Plan (DLP) (2014)  
Draft Strategic Housing Market Assessment (SHMA) (2014)  
Ash Surface Water Study (ASWS) (2014)

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- impact on the character of the area
- impact on flooding and drainage
- highways and parking considerations
- impact on trees and vegetation
- impact on biodiversity and protected species
- quality of the living environment
- impact on neighbour amenity
- recreational open space in large residential development
- impact on the Thames Basin Heaths Special Protection Area
- legal agreement requirements
- sustainable design and construction
- cumulative impacts of developments
- new vehicular and pedestrian railway crossing

### The principle of development

#### **Countryside Beyond the Green Belt**

The application site is located within the Countryside Beyond the Green Belt (CBGB) as identified by the proposals map of the Local Plan. Policy RE4 of the Local Plan advises that development within CBGB will not be permitted except in a limited range of circumstances, which does not include residential development. It is a restrictive policy, which seeks to reflect the controls that are applicable to Green Belt development. Policy RE4 is part of the Development Plan, which is the starting point for decision-making; decisions should be in accordance with the development unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a significant material consideration. Paragraph 215 of the NPPF makes clear that the weight to be given to local policies should be determined having regard to the degree of consistency with the Framework. The overriding objective of the NPPF is to deliver sustainable development and there is a clear presumption in favour of approving sustainable development. While the NPPF continues to give strong weight to the protection of the Green Belt, such protection does not extend to other areas of countryside. The NPPF therefore draws a clear distinction between Green Belt land, which to be protected and other countryside where the objective is one of recognising intrinsic character and beauty rather than outright restriction on development. The presumption in favour of sustainable development applies equally to development in the countryside as it does in urban areas. Policy RE4, as far as it restricts development, is clearly in conflict with the policy of the NPPF and the weight to be attached to this policy is therefore reduced.

#### **Housing need**

In addition to the above, it is acknowledged that the Council has not identified a five-year housing land requirement or a five-year supply of housing as required by the NPPF. The saved policies of the Local Plan do not provide up to date allocations or identify an up to date housing requirement and it is noted that part of the role of CBGB is to provide for growth once urban sites have been exhausted. The restrictive nature of Policy RE4 is a contributing factor to the under delivery of housing.

Taking all of the above matters into account it is considered that Policy RE4 should be given very little weight in the determination of this application and that the Council should apply the presumption in favour of sustainable development on this site. This means granting planning permission unless any adverse impacts of doing so would clearly outweigh the benefits of the development.

### Impact on the character of the area

The application site is on the east side of Foreman Road, which marks the boundary to the undeveloped CBGB to the west and south east. The land to the west and along Ash Church Road comprises detached and semi-detached residential development with some more recent infill developments such as Foreman Park, directly opposite.

## Agenda item number: 5(1)

The site is within the Tongham Rural-Urban Fringe as identified by the Guildford Landscape Assessment and Guidance, which identifies that the area is heavily influenced by roads and railways and includes unmanaged fringe land and horse paddocks that often do not contribute to the landscape setting of Ash and Tongham. The application site reflects this assessment closely in that it is bounded by major roads, close to the railway and is not currently maintained

The proposed site layout would not have a street frontage onto Foreman Road, the existing boundary vegetation, which is served with a TPO, would be retained and the proposed access would be approximately 80m south from the entrance to Foreman Park. There would be a central estate road in a T-shape giving access to the properties arranged in perimeter blocks in the site, to other roads leading off this, in a different surface material. The properties comprise a mix of detached, semi-detached and terraced units each with dedicated parking and a private garden. Some with a back-to-back relationship and all having a road frontage set back from the footpath with front gardens.

They would all be two-storeys in height with mainly gable-to-gable roofs and garages set back from the front elevation to provide a driveway for parking a vehicle. The exterior walls would be brick with clay tile roofs, which would be similar to the materials used on surrounding development.

There would be an open space in the middle of the site and a Local Equipped Area of Play (LEAP) located in the northern corner next to the level crossing. To the west beyond the dwellings, the land would remain undeveloped with a balancing pond in the corner of the site.

The 20 affordable units would not be dispersed throughout the site. They would be located in the north western corner and northern eastern boundary to the railway line, which is necessary for their long term management and upkeep. The terrace rows would be side on with gaps and planting along the boundaries. The outdoor amenity spaces and parking provision would be similar to the open market housing and whilst the density of development would be greater. The quality and appearance of the dwellings would have the same design features and use the same palette of materials, so that this would result a continuation of the streetscene and so would be undistinguishable from the open market housing. Furthermore, due to the extent of the built form and height of the dwellings (8.1m) they would not be unduly prominent when seen from passing trains or from the land to the north where there is a public footpath.

There would be a variety of hardstanding surfacing materials, to delineate areas. This would avoid large areas of tarmac, other than on the central access road. The existing mature boundary vegetation would be retained and the applicant has confirmed that this would be retained and enhanced. This would screen the development from wider views and due to the height of the retained planting on Foreman Road; this would continue to remain the dominant feature, rather than the residential development.

### Impact on flooding and drainage

The site is in proximity of the Ash Station 'hot-spot' identified in the Ash Surface Water Study (ASWS). The catchment for this area is extremely large and includes some 7ha of urban area that all drain to low points near the application site, however, the application site itself is not shown as having a high risk of flooding by the ASWS.

The application site is at a low risk of flooding from overland and groundwater sources.

The flood risk assessment and preliminary surface water management plan, this reports that the underlying geology is unknown, therefore a full geotechnical report would be required to ensure that the drainage design would be appropriate for the infiltration rates. The Council's drainage consultant and engineer have agreed that this is a suitable approach in this instance, as the details can be submitted by condition.

The Sustainable Drainage System (SuDS) for a 1 in 100-year storm plus a climate change allowance of 30 percent would require a maintenance regime. This would include the balancing pond, rainwater harvesting, cellular storage and permeable systems in the road to manage surface water storage and flow rates to a rate less than current greenfield runoff rates. Further details will be required by condition to ensure that this would be managed in the future and all weather conditions.

The balancing pond would store water when there is high rainfall, with a 300mm freeboard above the 1 in 100 year + 30 percent climate change water level as a precaution against over topping onto Network Rail land.

The ASWS makes a number of recommendations to improve the drainage system in the area. While the ASWS is a material consideration, (as it provides evidence of existing surface water drainage issues in the area), it does not form part of the Development Plan. The desire to deliver a large-scale flood storage facility is not an adopted policy and it is clear that the owner of the land wishes to develop part of the site for housing. Applications must be considered on their merits and cannot be required to solve pre-existing strategic issues. The proposed development has demonstrated that it would not have a greater impact on the current situation, to the satisfaction of the drainage consultant and Council's engineer.

Highways and parking considerations

The application would be accessed from creating a gap in the planting along Foreman Road, the proposed arrangement has been subject to a Stage 1 Road Safety Audit and Transport Statement. The following matters were identified and then the responses agreed to be incorporated into the proposed development by the developer:

<u>Vehicular and highways matter</u>	<u>Design response</u>
Restricted pedestrian visibility	<ul style="list-style-type: none"> <li>• vegetation maintenance to provide max. availability visibility;</li> <li>• height of the existing speed limit sign on the western side of Foreman Road to be increased to 2.1m;</li> <li>• acceptable sight lines from proposed crossing point;</li> </ul>
Footway link directly adjacent to the eastern Foreman Road	<ul style="list-style-type: none"> <li>• Footways are present on the western side of Foreman Road providing an alternate route;</li> <li>• An internal footway discounted as it would compromise the TPO hedgerow;</li> <li>• CHA requested removal of link to south of site as no further footway to south</li> </ul>
Lack of pedestrian facilities	<ul style="list-style-type: none"> <li>• 12/P/01534 would provide a footway along Foreman Road to Foreman Park – <i>not implemented</i></li> </ul>
Separate emergency access	<ul style="list-style-type: none"> <li>• a circuit / loop would provide two internal routes throughout the majority of the development</li> </ul>

The County Highway Authority (CHA) has advised that the development would not give rise to conditions prejudicial to highway safety and capacity. Conditions are requested to secure the provision of the following highway improvements:

- step free access to the bus stops to the west of Ash Station;
- extend the westbound bus lay by;
- Real Time Passenger Information on the bus stops;
- waiting restrictions of Foreman Road;
- improved pedestrian access to island and footway on Foreman Road

There is on street parking, which narrows along Foreman Road, to improve the current situation in terms of queuing cars and access; the double yellow lines on the western side of Foreman Road would be extended by approximately 20m.

The highways improvement works as shown on drawing number 12-150-002 rev F includes the above and dropped kerbs and tactile paving. These works would be on highway land and will be secured by condition for implementation by the developer.

The County Highway Authority has also advised that the additional residential development would not adversely affect the surrounding highway network. The assessment takes into account the following approved schemes:

Ash Lodge Drive (12/P/01973) - Outline application for 400 residential dwellings

Land at The Croft (13/P/00717) – Full application for 39 residential dwellings

Land west of Foreman Road (12/P/00308) - Outline application for 26 residential dwellings

It has been indicated that there would be a two percent increase in traffic and the additional turning flows would be less than ten vehicles in any peak hour from the access junction. In addition to this traffic along the northern part of Foreman Road would increase to no more than one vehicle every five minutes in each direction every five minutes. Consequently, the proposal would not be so significant as to have an adverse impact on highway capacity.

The application site is located close to the Ash Station level crossing and it is noted that the development is anticipated to result in an increase in movements over the crossing. Network Rail has considered the impact of development on the level crossing and has concluded that the development would not affect the safety of this crossing and therefore, has not objected to the proposed development.

A refusal on grounds of traffic generation could therefore not be sustained with the NPPF noting that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, which is clearly not the case in this instance.

To provide the vehicular access the existing overgrown hedgerow of English Elms (where it is shown to be retained) would need to be trimmed back to achieve the required visibility splays and maintained. This would be ensured by condition for safe ingress and egress. The position of the access is along one of the wider sections of this part of Foreman Road and to reduce conflict with the access to Foreman Park and potential access for the 12/P/01534 (appeal allowed 30.12.2013 for outline application for the erection of 26 residential dwellings) on the opposite side of the road.



Parking is shown to be provided through a mixture of allocated and visitor parking courts, off street car parking and garaging with 117 car parking spaces provided in total. The ministerial statement in March 2015 states that, "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."

In this instance the provision required under the Council's SPD is:

Maximum parking standard: 101.5 spaces

17 x 2 bedroom at 1.5 spaces per unit = 25.5 car parking spaces

38 x 3+ bedroom at 2 spaces per unit = 76.0 car parking spaces

Parking provision 115.3% of maximum parking standard

This is above the maximum parking standard. The proposed higher level of parking is appropriate to prevent any overspill car parking on to the surrounding roads, which experience through traffic and waiting traffic for the level crossing. Furthermore, due to the proximity to Ash railway station, parking demands are greater due to commuter parking. Consequently, to maintain this provision, garages will be conditioned to be retained for their designated purpose.

It is therefore concluded that, subject to conditions, the proposed development would not adversely influence highway safety or capacity and no objection should be raised to the proposal on these grounds.

#### Impact on trees and vegetation

The proposed access would require the removal of a 34m section of the English Elm hedgerow along the Foreman Road for the access and one Ash tree (T20) along the frontage. The tree survey shows that there are many dead trees with other younger trees, which would live less than ten years. The access would retain the other higher quality Ash tree to the south. As most of the substantial hedgerow and higher quality trees would be retained, this would ensure that the hedgerow would continue to contribute to the visual amenity locality.

The access would require the English Elms to be trimmed back for the visibility splays, the existing hedgerow would be enhanced through supplementary planting on the applicant's land, which will be secured through the soft landscaping and management scheme.

The existing trees and planting along the side boundaries would be retained, so they would continue to be the dominant feature when the site is seen from longer views. There would be buffer planting along the railway, further details to ensure that this would meet Network Rail's requirements for permitted species will be secured by condition.

There would be a mixed use of hardstanding services to mark out different road surfaces, which would ensure that not all areas would have a tarmac surface. The use of block paviours on junctions, driveways and parking areas would also enhance the appearance of the site. There would be ornamental trees along the roads, hedges along the frontages of dwellings and shrubs planted in gaps around parking areas so that the hardstanding areas would not be visually prominent. The open space in the middle would further increase the availability of green space and would be landscaped to contribute to the residential setting.

The land to the east with the proposed balancing pond and the ditches along the southern and eastern boundaries would all be landscape features, so their treatment also needs to be taken into account and will be included as a condition.

Some of the dwellings that are on the boundary of the TPO hedgerow may well be in its root protection area. The submitted Tree Protection Plan and Arboricultural Method Statement are acceptable to reduce any risk to this vegetative screen, which may otherwise be harmed from the construction works. Furthermore, if certain dwellings were to be extended this could also affect the RPA so it is recommended that permitted development rights be withdrawn for the dwellings on plots 12, 46 and 55.

#### Impact on biodiversity and protected species

The application site contains a mixture of scrub, grassland, hedgerows, broadleaved trees and shallow profile ditches and is in proximity to a small watercourse. The applicant has submitted a Phase I Habitat survey and bat activity survey. These identified the following:

- mature trees and areas of dense scrub of value for nesting birds
- four bat species foraging in the trees along the site boundaries;
- site adjoining a possible badger sett;
- possible fox hole
- unsuitable habitat for reptiles
- invertebrates in the decaying wood

Recommendations have been made and will be ensured by condition to achieve biodiversity enhancements and the existing boundary vegetation would be retained. Surrey Wildlife Trust has considered the report, and the additional information provided by the applicant, and has confirmed that subject to suitable planning conditions the development would be unlikely to impact on protected species. A further condition for a landscape management plan would also ensure that that new planting and existing features are maintained.

The bat survey is nearly 24 months old; therefore, the findings can no longer be relied on for their accuracy. As most of the trees would be retained there would be a limited risk to the bat foraging already identified, however, there is potential for breeding and roosts to have established since the survey was completed. Therefore, an updated bat activity survey will be required and any recommendations and mitigation measures implemented before the development commences, an updated survey would be required prior to any development taking place on site in any case. This will be ensured by condition.

#### Quality of the living environment

The proposed dwelling northern boundary would be within 6-10m of the railway line so would experience noise and vibrations from the passing trains. Most of the services stop at the station, however, two in every hour are non-stop. There would also be some level of disturbance from vehicles on Foreman Road.

From the survey carried out, noise levels would not exceed World Health Organisation (WHO) guidelines in the dwellings however, they would in the gardens and when windows are open to the rooms in the units. To reduce this, the following mitigation measures are suggested:

- acoustic fencing to the railway line;
- trickle vents to windows;
- sound insulation to walls;
- acoustic glazing;

In addition, the side elevations of dwellings would face the railway and Foreman Road, so this would ensure the aspect of habitable rooms would not have their main aspect onto the noise sources.

The vibration levels would be unlikely to cause structural damage, according to the vibration survey submitted.

The Council has no minimum standards, however all of the proposed units would have a satisfactory living environment as all the units would have private outdoor space and parking provision. There would be no undue overlooking, and whilst there would be some oblique views into gardens and from the back-to-back relationship, the separation distances and juxtapositions are common in higher density developments, so are not materially harmful, to an extent that would justify refusal on these grounds.

#### Impact on neighbour amenity

Noise and disturbance from construction has also been raised as a concern but is an inevitable consequence of all development and is for a temporary period. There are safeguards under other legislation should any statutory nuisance occur.

#### Impact on the Thames Basin Heaths Special Protection Area

The application site is located within the 400m to 5km buffer of the Thames Basin Heaths Special Protection Area (TBHSPA) the closest part of which is the Ash Ranges SSSI. 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 site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 55 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy, which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) within the borough that along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development. In this instance the development requires a contribution of £248,960.58 for the SANG and £47,519.65 for the SAMM, secured by a legal agreement.

At this time, there is no SANGS capacity capable of mitigating the impact of this development. A proposed SANGS in Ash has planning permission (under 12/P/01973, Ash Lodge Drive) and although this has yet to be implemented this would be capable of mitigating the impact of this development should it be delivered. Given that, there is a prospect of a SANGS capacity becoming available within the lifetime of a planning permission, it is considered reasonable to impose a Grampian planning condition to prevent development commencing until such time that the Council has agreed in writing that the required mitigation has been delivered. Natural England has considered the use of Grampian conditions and has advised that this is would be appropriate in this instance.

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

### Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy (CIL) 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 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 local infrastructure, service providers and community facilities.

### **Thames Basin Heaths Special Protection Area**

As the application proposes the provision of 55 additional residential units, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANGS, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2009-2016. 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 S106 agreement is required to ensure that the additional residential units proposed by this development will 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.

### **Affordable housing**

The development would provide 20 affordable housing units, which equates to 36.3 percent of the units to be provided. This accords with the requirements of policy of H12 of the saved Local Plan 2003 and the requirements of the Planning Contributions SPD. Without the provision of affordable housing, the development would not deliver a mixed and sustainable development and would be unacceptable in planning terms. This obligation therefore meets the requirements of Regulation 122.

### **Highway improvements**

An index linked transport contribution of £20,000 is sought to provide Real Time Passenger Information on Ash Church Road Road adjacent to the development. These improvements would likely to be used by the occupants of the development and would ensure sustainable travel options were available to reduce pressure on the local road network. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### **Education**

Surrey County Council has advised that the development would increase pressure on local schools and have requested contributions towards primary and secondary school provision. The contributions would, however, need to be pooled to deliver additional school places and the County has not been able to demonstrate that the contributions would meet the requirements of Regulation 123. Accordingly, education contributions are not sought from this development.

### **Amenity, open space, sports facilities and play space**

The Council expects children's play space and amenity space to be provided on site for a development of this size. The proposal would include open space to the middle of the site and a LEAP for play space. These would be maintained by the developer and would be acceptable.

The development would previously have required a contribution towards formal playing pitches; however, the scale of this development is such that the contributions would need to be pooled in order to deliver additional formal playing fields. Regulation 123 prevents pooling of contributions and therefore, the Council cannot require a contribution to playing fields.

### Sustainable design and construction

Paragraph 97 of the NPPF sets out that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Further details could be secured by condition and the details will be required to incorporate a 10 percent reduction in carbon emissions from onsite renewable technology.

### The cumulative impact with other developments

Concern has been raised about the cumulative impact of development in the Ash and Tongham area on local infrastructure, specifically highways, schools and healthcare. Other residential developments have been granted in the area, including:

- 55 dwellings at Grange Farm (14/P/02398)
- 39 dwellings at The Croft (13/P/00717)
- 26 dwellings at Foreman Road (12/P/01534)
- 35 dwellings at Poyle Road (12/P/01514)
- 60 at Ash Green Lane West (12/P/00645)
- 400 at Ash Lodge Drive (12/P/01973)

The Council also has other major housing applications for a total of 202 houses under consideration. The impact on highways is considered above with the conclusion being that the highway improvements would mitigate the impact of the development.

As for education and healthcare, new development would place additional pressure on existing services through increased population, creating additional demand. However, at the present time, opportunities to mitigate against these impacts are very limited because of the CIL regulations and the lack of a CIL charging schedule, as explained above. Until CIL is in place, or unless a specifically worded planning obligation is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development the Council is not in a position to request such contributions.

### New vehicular and pedestrian railway crossing

Any improvements to the railway crossing would be a significant infrastructure project that would require land to be safeguarded, so this would have to be taken forward through the new Local Plan, in co-operation with relevant parties.

The evidence for the new Local Plan is still being gathered and Network Rail have raised no objection to the proposed development. The crossing will be reviewed within Network Rail's review process. Therefore, whilst a number of concerns have been raised that the proposal would undermine the delivery of this project, as there is no extant planning permission and the land is not designated in the Local Plan, it would be unreasonable to refuse the application on this matter.

### **Conclusion.**

In conclusion, Policy RE4 should be afforded little weight and greater weight should be given to the NPPF and the presumption in favour of sustainable development. The site is in a sustainable location and the development would deliver 55 units that would contribute to meeting the Councils identified housing need; 20 of these would be affordable. While the development would change the character of the area, extend the urban area and would result in the loss of an existing green space, the impact would not be so harmful as to justify the refusal of the application on these grounds and the harm is clearly outweighed by the identified benefits. The development would not adversely affect surface water flooding, ecology, landscaping, residential amenity and highway safety, which have been satisfactorily addressed.

It is therefore considered that, subject to conditions and the applicant entering into a suitable legal agreement to secure affordable housing, mitigation against the impact of the development on the TBHSPA and provision of highway infrastructure, the application is acceptable.

### **RECOMMENDATION:**

**(i) Subject to the completion of a Section 106 Legal Agreement to secure:**

- **20 affordable housing comprising units comprising 9 x 2 bedroom houses 11 x 3 bedroom houses with a tenure mix agreed by the Housing Development Manager**
- **SANG and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area**
- **a transport contribution of £20,000 to provide two new bus stops with and for the provision of Real Time Passenger Information**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

<b>Drawing number</b>	<b>Description</b>	<b>Submission date</b>
130124/LP	Location Plan	10.07.2015
130124/SL Rev R	Site Layout	10.07.2015
131024/CSL Rev D	Coloured Site Layout	10.07.2015
130124/HT/2B/EL Rev A	Affordable House Type 2B Elevations	27.06.2014
130124/HT/2B/FP	Affordable House Type 2B Floor Plans	23.06.2014
130124/HT/3B/EL Rev A	Affordable House Type 3B Elevations	27.06.2014
130124/HT/3B/FP	Affordable House Type 3B Floor Plans	23.06.2014
130124/HT/3B.1/EL Rev A	Affordable House Type 3B.1 Elevations	27.06.2014
130124/HT/3B.1/FP	Affordable House Type 3B.1 Floor Plans	23.06.2014
130124/HT/3B.A/EL Rev A	Affordable House Type 3B.A Elevations	27.06.2014
130124/HT/3B.A/FP	Affordable House Type 3B.A Floor Plans	23.06.2014
130124/HT/3B.B/EL Rev A	Affordable House Type 3B.B Elevations	27.06.2014
130124/HT/3B.B/FP	Affordable House Type 3B.B Floor Plans	23.06.2014
130124/HT/699/EL Rev A	House Type 699 (Trafalgar) Elevations	27.06.2014
130124/HT/699/FP	House Type 699 (Trafalgar) Floor Plans	23.06.2014
130124/HT/999/EL Rev A	House Type 999 (Clayton) Elevations	27.06.2014
130124/HT/999/FP	House Type 999 (Clayton) Floor Plans	23.06.2014
130124/HT/999.A/EL Rev A	House Type 999.A (Clayton.A) Elevations	27.06.2014
130124/HT/999.A/FP	House Type 999.A (Clayton.A) Floor Plans	23.06.2014

130124/HT/1013/EL Rev A	House Type 1013 (Whitehall) Elevations	27.06.2014
130124/HT/1013/FP	House Type 1013 (Whitehall) Floor Plans	23.06.2014
130124/HT/1485/EL Rev A	House Type 1485 (Carnaby) Elevations	27.06.2014
130124/HT/1485/FP	House Type 1485 (Carnaby) Floor Plans	23.06.2014
130124/HT/1513/EL Rev A	House Type 1513 (Marlborough) Elevations	27.06.2014
130124/HT/1513/FP	House Type 1513 (Marlborough) Floor Plans	23.06.2014
130124/SS Rev A	Proposed Street Scenes	10.03.2015
130124/HT/SG1/EP Rev A	Single Garage 1 Elevations and Floor Plan	27.06.2014
130124/HT/SG2/EP Rev A	Single Garage 2 Elevations and Floor Plan	27.06.2014
130124/HT/DG/EP Rev A	Double Garage Elevations and Floor Plan	27.06.2014
130124/HT/3B.2/EL	Affordable House Type 3B.2 Elevations	10.03.2015
130124/HT/3B.2/FP	Affordable House Type 3B.2 Floor Plans	10.03.2015
130124/HT/699.1/EL	House Type 699.1 (Trafalgar) Elevations	10.03.2015
130124/HT/699.1/FP	House Type 699.1 (Trafalgar) Floor Plans	10.03.2015
CC-19015-12 Rev A Sheet 1	Hard Landscape Proposals Sheet 1	27.07.2015
CC-19015-12 Rev A Sheet 2	Hard Landscape Proposals Sheet 2	27.07.2015
CC-19015-12 Rev A Sheet 3	Hard Landscape Proposals Sheet 3	27.07.2015
CC-19015-12 Rev A Sheet 4	Hard Landscape Proposals Sheet 4	27.07.2015
CC19015-03C	Tree Protection Plan	27.07.2015
12-150-002 Rev F	Proposed Site Access Layout	19.11.2014
12-150-004 Rev D	Proposed site layout – Refuse vehicle analysis	20.03.2015



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

3. No development shall take place until written confirmation has been obtained from the Local Planning Authority that the Council has secured Suitable Alternative Natural Green Space (SANGS) and no dwelling shall be occupied before written confirmation has been obtained from the local planning authority that the works required to bring the land up to acceptable SANGS standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANGS. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No development shall take place until a full scheme for the provision of a Sustainable Urban Drainage System (SuDS) for the site has been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until the approved SuDS has been constructed in accordance with the approved scheme. The details required shall include:

- a) a full geotechnical report to ascertain if infiltration devices (in part) may be acceptable;
- b) full details of the proposed system including pipe positions, dimensions and levels, manhole levels and details of flow control devices;
- c) full details of the balancing pond including levels, gradients of banks, flow controls for discharge and full details of any other attenuation proposed;
- d) calculations demonstrating a reduction in surface water runoff rates and volumes up to the 1 in 100 plus climate change storm events;
- e) demonstration that there will be no on site flooding up to the 1 in 30 storm event and any on site flooding between the 1 in 30 and 1 in 100 storm events will be safely contained on site with mitigation of the residual risk / overland flows;
- f) a detailed maintenance schedule for the SuDS drainage system including ownership responsibilities demonstrating that the future maintenance of the SuDS has been secured;

No discharge of foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy have been completed and the development shall be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the drainage system. This is required as a pre-commencement condition as it goes to the heart of the permission and its requirements are likely to affect final detail of the scheme.

5. No development shall commence, until a schedule with details and samples of the proposed external facing, roofing materials and fenestration details including colour, texture 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. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interest of archaeology. This is required as a pre-commencement condition as investigation is necessary before development begins so any impact on archaeology can be accurately recorded before construction works start.

7. No development shall commence until an updated bat activity report has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved recommendations and/or mitigation strategy.

Reason: To prevent any adverse impact on legally protected species resulting from the proposed development works and to help off-set adverse effects to the biodiversity value of the site resulting from the proposed development.

8. No development shall commence until the proposed vehicular access to Foreman Road has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 12-150-002 Rev F, all to be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.

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

9. No development including any of the operations which involve the movement of materials in bulk to or from the site shall commence until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials;
- d) provision of boundary hoarding behind any visibility zones;
- e) wheel-washing and dust screens to keep the public highway clean and prevent the creation of a dangerous surface on the public highway;
- f) HGV hours of deliveries;
- g) on-site turning for construction vehicles;

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the impact on the highway safety goes to the heart of the planning permission.

10. Prior to first occupation, the following highway works shall be implemented in accordance with the scheme hereby approved by the Local Planning Authority for:-

- a) the two bus stops along the A323 west of Ash Station shall be provided with step free access through the use of raised height kerbing and footway levels. The westbound bus stop opposite Ash Railway Station shall have the existing lay-by extended to provide adequate space for the bus to pull in next to the kerb and the bus cage shall be revised accordingly;
- b) waiting restrictions shall be introduced on Foreman Road to improve the safety for drivers turning left into Guildford Road from Foreman Road;
- c) dropped kerbs and tactile paving;

in accordance with the approved plan, Drawing No. 12-150-002, Rev F.

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

11. Prior to first occupation, space shall be laid out within the site in accordance with the approved plans, Drawing No. 131024/CSL Rev D, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

12. No development shall commence until protective fencing has been installed to safeguard the root areas of the hedges and trees in accordance with drawing number CC19015-03C received on 27.07.2015 and in accordance with the Arboricultural Method Statement prepared by ACD Arboriculture Ref: CC19015AIA\_AMS dated 21.07.2015, to protect their root areas from construction damage. It should be boarded out at ground level in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction." No level changes, service routings, materials storage, site traffic, building operations, storage, excavations, or other works shall take place within these protected tree root areas. The tree protection measures shall be complied with and maintained for the course of the proposed works.

Reason: To enable the local planning authority to ensure the retention of trees and hedges on the site in the interests of visual amenity.

13. Prior to the commencement of development full details, of hard and soft landscape proposals, including:

- a) a schedule of landscape maintenance for a minimum period of 10 years for the site boundaries, Local Equipped Area for Play (LEAP) and identified open space and 5 years for all other areas, with long term design objectives, management responsibilities and maintenance schedules for all landscape areas;
- b) implementation plan for planting;
- c) acoustic fencing on the northern boundary with the railway line;
- d) the planting of only Network Rail permitted species on the northern boundary with the railway line;
- e) enhancement of the trees and gaps in the hedgerow along the western boundary with Foreman Road and southern boundary to the open area with native species where appropriate;
- f) retention of the dry ditch along the southern boundary and the wet ditch along the western boundary;
- g) boundary fencing;
- h) elevations and plans of bin stores;

shall be submitted to and approved in writing by the local planning authority..

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

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

14. 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.

15. Prior to the first occupation, of the dwellings hereby approved, details of (i) the predicted energy use of the development; and (ii) the type(s) of low or zero carbon technologies to be used, have been submitted to, and approved in writing by, the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon emissions. Such details as may be approved shall be implemented prior to the first occupation of the development and retained and maintained for the lifetime of the development.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Sustainable Design and Construction SPD 2011.

16. The development hereby approved shall be carried out in accordance with the 6.0: 'Design and mitigation measures and recommendations' of the submitted Planning Noise Assessment Ref: RF 33511/NEC Rev D dated 19.06.2014 prepared by Noise Solutions Ltd.

Reason: To ensure that the living environment for future occupiers is satisfactory.

17. Prior to first occupation, details of the external lighting strategy, which have been approved by a suitably professionally qualified ecologist shall be submitted to, and approved in writing by, the Local Planning Authority. Only the approved details shall be implemented.

Reason: In the interests of visual and residential amenity and to prevent any adverse impact on legally protected species resulting from the proposed development works.

18. The development hereby approved shall be carried out in accordance with 'Section 5: Recommendations and conclusions' of the submitted Ecology desk study and Extended Phase 1 by RPS Ref: OXF7935 dated 11.03.2013.

Reason: To prevent any adverse impact on legally protected species resulting from the proposed development works and to help off-set adverse effects to the biodiversity value of the site resulting from the proposed development.

19. Prior to first occupation, details of the proposed Local Equipped Area for Play (LEAP), shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include layout, surfacing, details of equipment and the means of enclosure (which can include bollards and/or robust vegetation up to 1.0m in height and trees up to 2.0m in height). The development of this area shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory provision of play space.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Schedule 2, Part 1, Class A shall be carried out on the dwellinghouses permitted on plots 12, 46 and 55 or within their curtilage.

Reason: Having regard the risk to the long term retention of the Tree Preservation Order and boundary trees, due to their proximity.

21. The garages and parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part of and their visitors and for no other purposes and shall be permanently maintained for that purpose.

Reason: To ensure that satisfactory parking provision is retained within the development.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
  - offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance, the applicant has responded positively to amendment requests to improve the design and an layout of the development and provided plans to show highway improvement works. Further details have also been provided on drainage, highway matters and the railway crossing. The proposal as amended and with the additional information is acceptable.

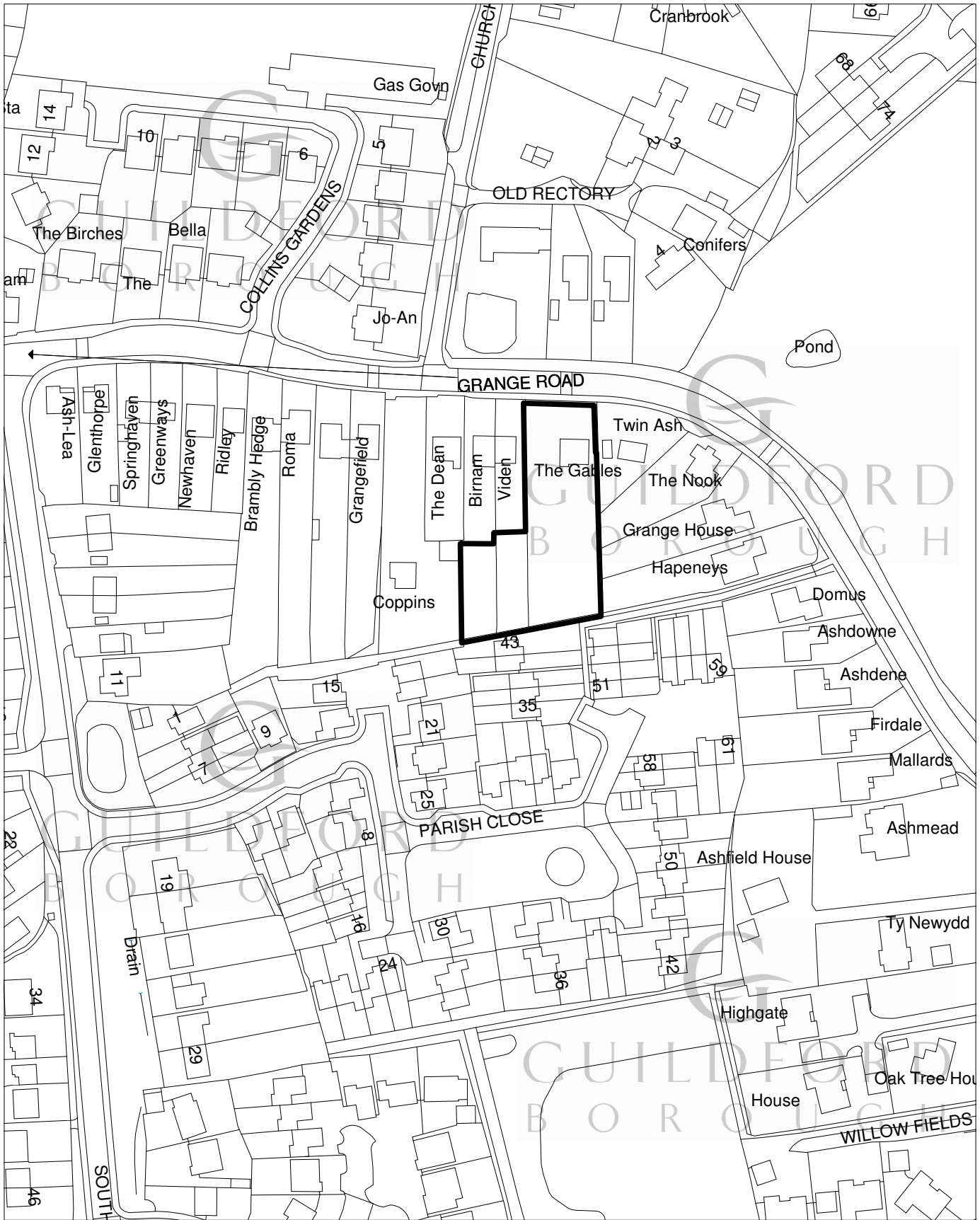
3. The applicant should contact our Asset Protection Team at [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) and sign up asset protection agreement prior to proceeding with any design and construction works.
4. The permission hereby granted shall not be construed 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>.
5. The proposed waiting restrictions under condition 11, shall require the provision of a Traffic Regulation Order prior to first occupation of the development. The alteration of the Traffic Regulation Order is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made.
6. 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/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

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14/P/01756 - Land to the rear of The Gables, Grange Road, Ash, Aldershot

Agenda Item number: 52)



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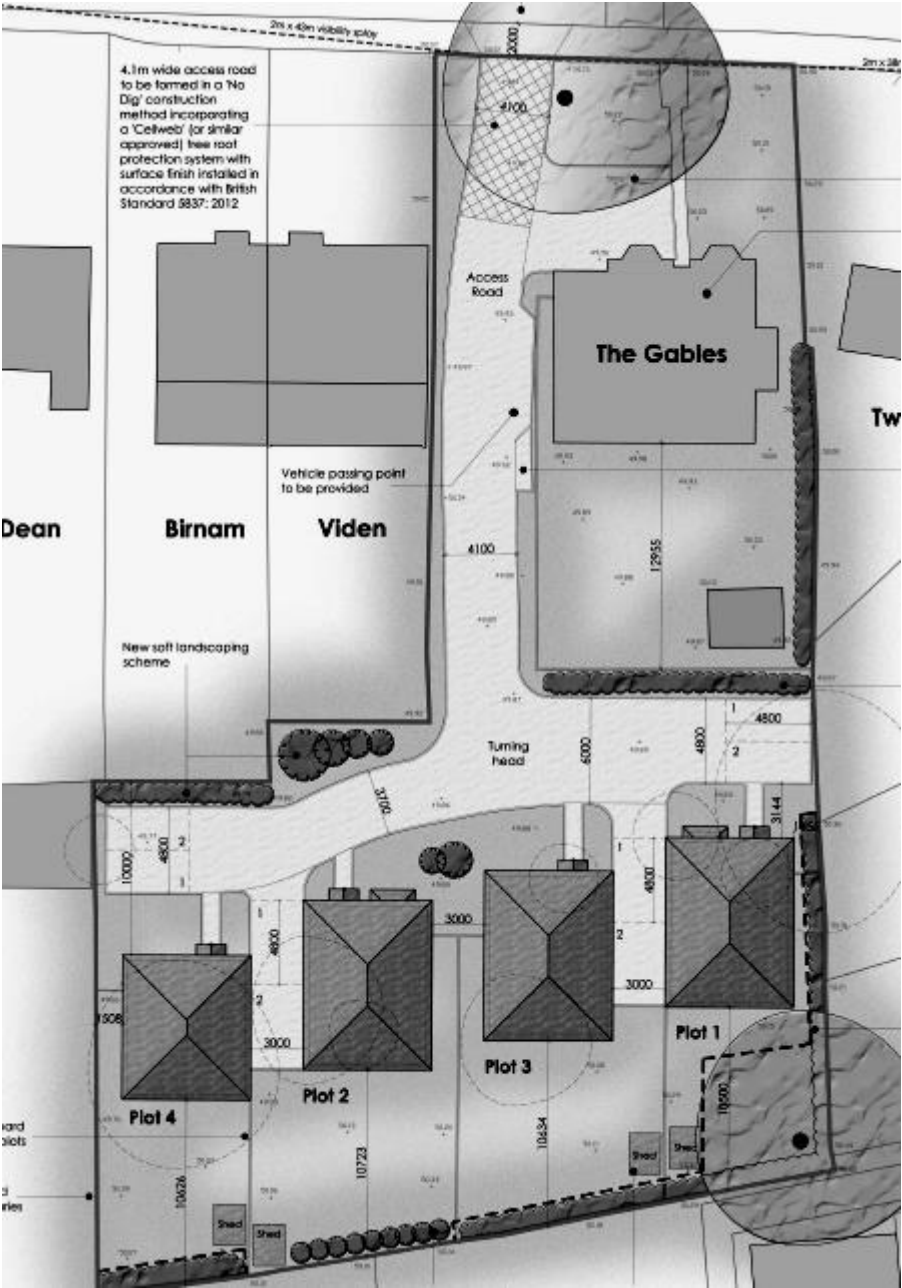
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Not To Scale



14/P/01756 Land to the rear of The Gables, Grange Road, Ash, Aldershot



**App No:** 14/P/01756      **Type:** F      **8 Wk Deadline:** 30/09/2015  
**Appn Type:** Full Application  
**Case Officer:** Kelly Jethwa  
**Parish:** Ash      **Ward:**  
**Agent :** Mr O'Donnell      **Applicant:** Mr Mosley  
Arktec Ltd      K&S Construction Ltd  
Lodge Farm Barn      The Gables  
Elvetham Park Estate      Grange Road  
Fleet Road      Ash  
Hartley Wintney, Hampshire      Aldershot, Hampshire  
RG27 8AS      GU12 6HB

**Location:** Land to the rear of The Gables, Grange Road, Ash, Aldershot, GU12 6HB

**Proposal:** Erection of 4No. detached two-storey dwellings with associated access, parking and landscaping.

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.

**Site description.**

The application site forms part of the rear gardens of dwellings that front Grange Road and the existing vehicular access for The Gables. These all have elongated plots that back onto the more recent development of Parish Close, which due to the density of development has an urban character. The site is in the urban area of Ash and Tongham.

The surrounding area is residential with predominantly frontage development along Grange Road in a variety of designs and layout including one and two storey, detached and semi-detached dwellings. There is open countryside to the north east.

The site is within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA).

**Proposal.**

Erection of 4No. detached two-storey dwellings with associated access, parking and landscaping.

	<b>Width (max)</b>	<b>Depth (max)</b>	<b>Height (max)</b>
<b>Plot 1</b>	7.8m	9.7m	8.5m
<b>Plot 2</b>	7.8m	9.7m	8.5m
<b>Plot 3</b>	7.8m	9.7m	8.5m
<b>Plot 4</b>	7.4m	8.3m	8.3m

The schedule of properties is:

- 3 beds = 1 unit
- 4 beds = 3 units

Number of car parking spaces: 8

### **Relevant planning history.**

**The Gables:**

13/P/02204 - Proposed two storey extension to the rear and a single integral garage to the side with accommodation in the roof, following the demolition of the existing freestanding garage to the rear of the property, Approved 17/02/2014

**Viden:**

93/P/00245 - Single storey rear extension to provide enlarged dining room/lounge, new kitchen and enlarged garage with side extension at first floor level over existing garage to provide two further bedrooms, Approved 13/04/1993

**Adjacent site:**

Land to the rear of Grange Road, including the Coppins, Ash, Aldershot GU12 6EU, immediately west:

07/P/01611 - Outline application for 10 dwellings comprising 3 x 2 bedroom houses, 4 x 3 bedroom houses, 3 x 4 bedroom houses with new access road following demolition of existing property, Refused 14.09.2007, Allowed on appeal 23.04.2008 *Not Implemented* [officer comment: it is believed that there is no longer an extant planning permission]

### **Consultations.**

County Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no objection, subject to conditions.

Thames Water:

- "Waste comments – Should your proposed building work fall within 3 metres of pipes shared with your neighbours, or are situated outside of your property boundary which connect to a public sewer then contact Thames Water
- Surface water drainage - it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer"

Natural England: no objection, subject to compliance with the Avoidance Strategy

Head of Community Care Services (Environmental Health): No objections and recommends conditions

Recycling and Cleansing Manager: no objection, as the bin collection point is within an acceptable distance. Crews would collect them and take them to the freighter on Grange Road.

Ash Parish Council: object and have raised the following matters:

- overdevelopment
- harm to neighbour amenity
- traffic congestion
- flooding risk

**Third party comments:**

10 representations have been received raising the following objections and concerns:

- risk of surface water flooding
- risk to boundary planting
- overlooking/ loss of privacy
- risk to highway safety from the proposed access  
[officer comment: this is an existing access and the County Highways Authority have no objection]
- inaccurate boundary shown in red line  
[officer comment: the applicant has served notice on relevant parties and confirmed that this relates to all the land outlined in red]
- inadequate car parking
- noise and disturbance from vehicle movements
- water and sewerage capacity  
[officer comment: this is safeguarded under other legislation and is not a material consideration]
- harm to the character of the area
- loss of wildlife  
[officer comment: this is a suburban garden and due to its use and distance from any watercourse it would not provide a suitable habitat for protected species]
- disruption during construction
- loss of a private view  
[officer comment: not a material planning consideration]
- alternative scheme preferred  
[officer comment: the Council can only consider the scheme before it]
- access for large vehicles and waste/recycling collection
- risk to retained trees

One response in support of the proposal was received.

**Planning policies.**

The following policies are relevant to the determination of this application.

**National Planning Policy Framework (NPPF)**

Achieving sustainable development - core principles

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 9. Protecting Green Belt land

Chapter 10. Meeting the challenge of climate change, flooding and coastal change

Chapter 11. Conserving and enhancing the natural environment

**National Planning Practice Guidance (2014)**

**Written statement to Parliament: Planning update (March 2015)**

**South East Plan 2009:**

NRM6 Thames Basin Heath Special Protection Area

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

G1	General Standards of Development
G5	Design Code
G6	Planning Benefits
H4	Housing in Urban Areas
NE1	Potential Special Protection Areas
NE4	Species Protection
NE5	Development Affecting Trees, Hedges and Woodlands

**Supplementary planning documents**

Manual for Streets 2 (2010)  
Planning Contributions SPD (2011)  
Sustainable Design and Construction SPD (2011)  
Vehicle Parking Standards SPD (2006)  
Surrey County Council Vehicular and Cycle Parking Guidance (2012)  
Residential Design Guide (2004)  
Thames Basin Heath Special Protection Area Avoidance Strategy (2009-2016)  
Landscape Character Assessment (2007)

**Emerging Local Plan evidence base**

Strategic Housing Land Availability Assessment (SHLAA) (2014)  
Draft Strategic Housing Market Assessment (SHMA) (2014)  
Ash Surface Water Study (ASWS) (2014)

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- flooding and drainage
- the impact on neighbouring amenity
- highway and parking considerations
- trees and landscaping
- Thames Basin Heath Special Protection Area
- legal agreement requirements
- sustainable design and construction

The principle of development

The application site is located within the urban area of Ash and Tongham where new residential development is acceptable, in accordance with policy H4 of the saved local plan.

The NPPF says that a presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. The Council does not have a five year supply of deliverable housing sites, as documented in the Annual Monitoring Report (AMR) (2013/14). Given the considerable need for housing in the borough and the significant weight in the NPPF in terms of the delivering of a wide choice of high quality homes (paragraph 50), the provision of four additional unit is of benefit. Unless any adverse impact of the development significantly and demonstrably outweighs the benefits, then in view of a presumption in favour of sustainable development, permission should be granted.

Grange Road is a suburban area developed in the early part of the 20th Century with later development in Parish Close to the south and Collins Gardens to the north west. Case Study 8 of the Residential Design Guide SPG addresses backland development within such areas. Amongst other matters, it identifies the demolition of existing houses to gain access to land at rear, which interrupts the pattern of development as a current issue and that backland development must reflect local distinctiveness using imaginative design solutions.

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

Grange Road in the past, comprised different dwelling types with a frontage to the road with long rear gardens so that it had a suburban character. Following recent developments of a greater density at Parish Close to the south and Collins Gardens to the north west, the design and form of the area has become more urban with more uniform building design and smaller plot sizes and widths. Therefore, infill development is a feature of the surrounding area, however, there are currently no backland developments in the vicinity.

Although there is, only a modest degree of separation between individual dwellings, the hipped roofs distances to boundaries and the planting to the boundaries contribute to the spacious character with the backdrop of trees in the rear gardens. As the land at the rear of houses is open and undeveloped this is a feature of this immediate and wider neighbourhood.

The proposal would use the existing access for The Gables, this would maintain the rhythm of development along Grange Road and maintain the established pattern of development so that it would not appear intrusive. The road would be visible within the street scene, allowing glimpses of the backland development to the rear. However, due to the shape of Grange Road at this point (it straightens to the west and bends round to the east) the access and views of the buildings would not be unduly prominent. Furthermore, the existing Tulip tree would be retained with soft landscaping strips along the access road to soften its appearance in the streetscene.

A proportion of the land within the site would be required to provide for the turning area and car parking. The extent of hardstanding has been kept to a minimum with car parking spaces to the side of buildings and along the boundary. This would ensure that there would be front gardens to the dwellings and planting strips between these areas and the site boundaries with the donor properties.

The four houses would be detached, two storey dwellings with fully hipped roofs. The juxtaposition and separation distance between the proposed dwellings and adjoining dwellings would respect the existing pattern of development. The rear gardens are shorter in length than surrounding linear, frontage development; however, they would be large enough for the size of the properties so are acceptable. The proposal would provide a transition from the higher density development in Parish Close to the north and the larger buildings in Grange Road.

The dwelling would be 8.3m-8.5m in height and as the site is generally flat in contour the roofs would be visible from Grange Road and Parish Close. Although the hipped roof design would reduce the mass and some tree coverage would be retained, this would respect the context of development.

The dwellings on plots 1, 2 and 3 would be of a similar design and include porches and bay windows, Plot 4 would be smaller which would reduce the scale of development next to Coppins. The use of brickwork, tile hanging and plain clay roof tiles, would complement the existing adjoining buildings.

There would be gaps of 3.0m between the buildings and 1.5m from the flank walls of plots 1 and 4 to the shared boundaries, which would be similar to existing development in the urban area.

#### Flooding and drainage

Paragraph 101 of the NPPF requires that new development should take place in areas with the lowest probability of flooding. The site is not in any of the 'hot-spots' identified in the Ash Surface Water Study (ASWS). The catchment for this area is extremely large and includes some 7ha of urban area that all drains to low points near the application site, however, the application site itself is not shown as having a high risk of flooding by the ASWS, although this part of Grange Road and the application site are identified as being at risk of flooding from surface water.

Therefore a full geotechnical report would be required to ensure that the drainage design would be appropriate for the infiltration rates. Then a Sustainable Drainage System (SuDS) for a 1 in 100-year storm plus a climate change allowance of 30 percent would be required including a maintenance regime. This may include rainwater harvesting, cellular storage, attenuation/permeable systems to manage surface water storage and flow rates to a rate less than current greenfield runoff rates with soakage tests (if soakaways or infiltration are proposed) and a topographical survey with an assessment of flow routes. Further details will be required by condition to ensure that this would be managed in the future and all weather conditions.

The ASWS makes a number of recommendations to improve the drainage system in the area. While the ASWS is a material consideration, (as it provides evidence of existing surface water drainage issues in the area), it does not form part of the Development Plan. The desire to deliver a large-scale flood storage facility is not an adopted policy and it is clear that the owner of the land wishes to develop part of the site for housing. Applications must be considered on their merits and cannot be required to solve pre-existing strategic issues. The proposed development can be built to include SuDS so that it would not have a greater impact on the current situation.

#### Impact on neighbour amenity

The proposed dwellings would be located to maintain a minimum gap of least 4.8m from their front elevations to the rear boundary with the donor properties fronting Grange Road and 10.5m from the houses in Parish Close. The location of the proposed dwellings, two storey height and pitched roofs would increase the built form next to the shared boundaries.

The proposal would introduce first floor windows that would overlook the rear gardens of Birnam, Viden and The Gables. However, there would be a minimum separation distance of 22.6m at the closest point between the front elevation of plot 1 and the building at The Gables and greater distances for the other plots. This would prevent any harmful direct overlooking and overbearing impact. Whilst the rear portions of the garden would experience some overlooking, structural planting can be ensured by condition to provide some screening.



The rear of plot 1 would face the flank wall of no. 45 Parish Close and the ash tree would be retained, this would prevent any adverse overshadowing and overlooking due to the juxtaposition of the buildings and separation distance.

The rear garden of no. 43 Parish Close would share its boundary with plot 4. There would only be one rear first floor window, which would serve a bathroom and is shown to be obscure glazed with a fanlight. This would prevent any harmful loss of privacy and a condition to restrict further openings is recommended.

The proposed access would be 1.8m from the flank wall of Viden and 0.5m from The Gables. The ground floor of each of these buildings on this flank wall comprises garages, which are not habitable rooms. Therefore, when vehicles turning into the access their headlights would largely affect the garage openings and the retained tree and hedging would also reduce the impact of the glare.

The proposed access would run the full length of these gardens, the applicant has provided details of acoustic fencing. The acoustic fencing would maintain the amenity of the gardens by reducing noise from manoeuvring vehicles and slamming doors. In this case, this would be satisfactory, given that this is for a small development of four units which would restrict the number of vehicle movements, disturbance to the rear windows, (which would be opened in warm weather ) and as the access abuts garages to the donor properties.

Whilst there would be noise and disruption, during construction, this would be for a temporary period and if there is any nuisance, there are safeguards under other legislation and regulations to maintain neighbour amenity.

#### Highway and parking considerations

The access into the site would use the existing access from Grange Road, between The Gables and Viden. This access is acceptable on highway grounds, subject to conditions.

The proposal would provide eight on-site car parking spaces (two spaces per unit). Given the size of the units and the proximity of the site to local facilities in Ash, bus stops in Grange Road and Foreman Road and Ash railway station the provision would be acceptable.

The proposal does not include any visitor car parking, this part of Grange Road is further away from the railway station so there is less parking congestion on the road and occasional off street parking generated by four additional units would not be so significant, so as to pose a potential risk to highway safety.

The County Highway Authority has assessed the application and raises no objection on highway safety, capacity or policy grounds.

There would be stores in the rear gardens of each dwelling, these would provide secure and covered cycle storage. This is a similar arrangement to neighbouring dwellings so is suitable.

The dwellings are more than 9m from the kerbside, so bins would have to be brought down to the access road on collection days. The space provided in the layby of the access road would be acceptable and be large enough to accommodate the bins and allow a refuse freighter to collect them.

### Trees and landscaping

There are mature conifer hedges along the existing shared and rear boundaries, with other mature trees and fruit trees in the rear portion of the gardens that contribute to the backdrop of trees when seen from Grange Road.

The rear of the site would be cleared of nine trees and four groups of trees/hedges to leave the conifer hedging and an Ash tree on the south east corner. The Council's Tree Consultant has reviewed the arboricultural impact statement and is satisfied that the loss would be acceptable, given their poor structure and declining state.

The Ash tree would have a crown reduction and lift to clear the site and proposed house on plot 1. To protect this during construction and excavation, tree protection barriers would be installed. The rear garden of plot 1 would experience shading and leaf litter from this tree. However, as the garden would be 10.5m in depth this would reduce any potential conflict. To ensure the long-term future of the tree, permitted development rights for extensions and outbuildings should be withdrawn from plot 1.

There is a visually prominent, mature Tulip tree, which contributes to the verdant streetscene and is adjacent to the proposed access drive that is in its root protection area (RPA). The arboricultural method statement explains that 'no dig' construction methods would be used, this would be satisfactory to protect the tree for the excavation and laying of the new hard surface.

No details have been given of the proposed planting along the access road and site boundaries. Further details would be required including where appropriate structural planting to screen the proposal from Parish Close, The Coppins and the rear gardens of The Gables, Viden and Birnam.

### Thames Basin Heaths Special Protection Area

The proposed development may adversely impact the TBHSPA. Based on the number of bedrooms, the Council's adopted TBHSPA Avoidance Strategy 2009-2016 requires a SANG contribution of £20,113.88 and an Access Management contribution of £4,041.10 to avoid any adverse impact.

The (SANG) avoidance site cannot be confirmed at this time and the land owner will be informed of its location at the time of, or following payment. A planning obligation is required in accordance with the terms of the Strategy.

Subject to the agreement of the S.106, the proposal would comply with the terms of the Thames Basin Heaths Avoidance Strategy.

### 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 four additional residential units, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2009-2016. 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 S106 agreement is required to ensure that the additional residential units proposed by this development will 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.

The applicant has agreed to enter into a legal agreement with the Council, so has met this obligation.

#### Sustainable design and construction

Paragraph 97 of the NPPF sets out that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Further details could be secured by condition and the details will be required to incorporate a 10 percent reduction in carbon emissions from onsite renewable technology.

#### **Conclusion.**

The site is located within the Ash and Tongham urban area and as such there is no in principle objection to the provision of new housing.

The NPPF also advocates a presumption in favour of sustainable development. Any adverse impacts of the proposal would need to significantly and demonstrably outweigh the benefits.

The proposed development would provide an additional four houses, which is a benefit given the Council does not have a five year land supply. The houses would maintain distances to boundaries and would not have an adverse impact on the character of the area. The proposed layout ensures that there would not be an adverse impact on neighbouring amenity. The County Highway Authority is satisfied that there will be no detrimental impact on highway safety or capacity. Subject to conditions, the proposal would not have any adverse impact on surface water flooding or the retained trees on the site. The applicant has agreed to enter into a legal agreement to secure SANGS and SAMM contributions. As a result, the proposal would comply with the development plan and the NPPF and is therefore recommended for approval.

#### **RECOMMENDATION:**

- (i) Subject to the completion of a Section 106 Legal Agreement to secure SANGS and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area**
- (ii) That upon completion of (i) above, the application be determined by the Head of Planning. The preliminary view is that the application should be granted subject to conditions.**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

<u>Plan</u>	<u>Drawing no.</u>	<u>Date Received</u>
Location plan	P14/24/100 rev A	13.08.2015
Site layout	P14/24/S/101 rev D	16.07.2015
Plot 1 plans	P14/24/S/110 rev A	14.10.2014
Plot 2 plans	P14/24/S/111 rev A	14.10.2014
Plot 3 plans	P14/24/S/112 rev A	14.10.2014
Plot 4 plans	P14/24/S/113 rev F	16.07.2015
Tree plan	TPP-01 rev A	22.09.2014

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

3. No development shall take place until a full scheme for the provision of a Sustainable Urban Drainage System (SuDS) for the site has been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until the approved SuDS has been constructed in accordance with the approved scheme. The details required shall include:

- a) a full geotechnical report to ascertain if infiltration devices (in part) may be acceptable;
- b) full details of the proposed system including pipe positions, dimensions and levels, manhole levels and details of flow control devices;
- c) full details of the levels, flow controls for discharge and any other attenuation proposed;
- d) calculations demonstrating a reduction in surface water runoff rates and volumes up to the 1 in 100 plus climate change storm events;
- e) demonstration that there will be no on site flooding up to the 1 in 30 storm event and any on site flooding between the 1 in 30 and 1 in 100 storm events will be safely contained on site with mitigation of the residual risk / overland flows;
- f) a detailed maintenance schedule for the SuDS drainage system including ownership responsibilities demonstrating that the future maintenance of the SuDS has been secured;

the development shall be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the drainage system. This is required as a pre-commencement condition as it goes to the heart of the permission and its requirements are likely to affect final detail of the scheme.

4. No development shall commence, until a schedule with details and samples of the proposed external facing, roofing materials and fenestration details including colour, texture 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. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

5. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) wheel washing and dust screens

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the impact on the highway safety goes to the heart of the planning permission.

6. The development hereby approved shall not be first occupied unless and until the proposed modified access to Grange Road has been constructed and provided with visibility zones in accordance with the approved plan, Drawing No. P14/24/S/101 rev D 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.

7. No new development shall be occupied until space has been laid out within the site in accordance with the approved plan, Drawing No. P14/24/S/101 rev D for maximum 8 car and minimum 8 cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

8. Prior to first occupation of the development, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, to include:
- g) position of “Akoustic absorptive barriers” or such similar acoustic fencing;
  - h) species, density and height of proposed planting and structural screen planting where appropriate along the site boundaries;
  - i) boundary fencing;
  - j) noise reduction measures for the surface of the vehicular access and turning area;
  - k) details of the design and position of the storage facility for bins and recycling; and
  - l) elevations and plans of sheds.

shall be submitted to and approved in writing by the local planning authority..

The approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

9. No development shall commence until protective fencing has been installed to safeguard the root areas of the hedges and trees in accordance with drawing number P14/24/S/101 rev D received on 16.07.2015 and in accordance with the Arboricultural Method Statement prepared by Arbor Culture Ref: AC.2014.039 dated 01.09.2014, to protect their root areas from construction damage. It should be boarded out at ground level in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction." No level changes, service routings, materials storage, site traffic, building operations, storage, excavations, or other works shall take place within these protected tree root areas. The tree protection measures shall be complied with and maintained for the course of the proposed works.

Reason: To enable the local planning authority to ensure the retention of trees and hedges on the site in the interests of visual amenity.

10. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned during development and for a period of five years after completion of the building(s), structure(s) or any other development hereby approved. Any existing or newly planted trees, hedgerows or shrubs that area removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position), before the end of the first available planting season (1 November to 31 March) following their loss or removal.

Reason: In order to ensure that the site is landscaped and is maintained in the interest of the visual amenities of the area, ensuring the adequate respect for trees.

11. Prior to the first occupation of the dwellings hereby approved details of (i) the predicted energy use of the development; and (ii) the type(s) of low or zero carbon technologies to be used, have been submitted to, and approved in writing by, the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon emissions. Such details as may be approved shall be implemented prior to the first occupation of the development and retained and maintained for the lifetime of the development.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Sustainable Design and Construction SPD 2011.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Schedule 2, Part 1, Classes A or E shall be carried out on the dwellinghouse permitted on plot 1 or within its curtilage.

Reason: Having regard to the risk to the long term retention tree(s) and their proximity.

13. The first floor window on the rear elevation of the dwelling on plot 4 hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

Reason: To safeguard the amenities of residential neighbouring properties.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) no additional windows, rooflights, dormer windows or similar openings shall be constructed at the first floor level and above on the rear elevation of the dwelling on plot 4 hereby permitted except for any which may be shown on the approved drawing(s).

Reason: To safeguard the residential amenities of neighbouring properties.

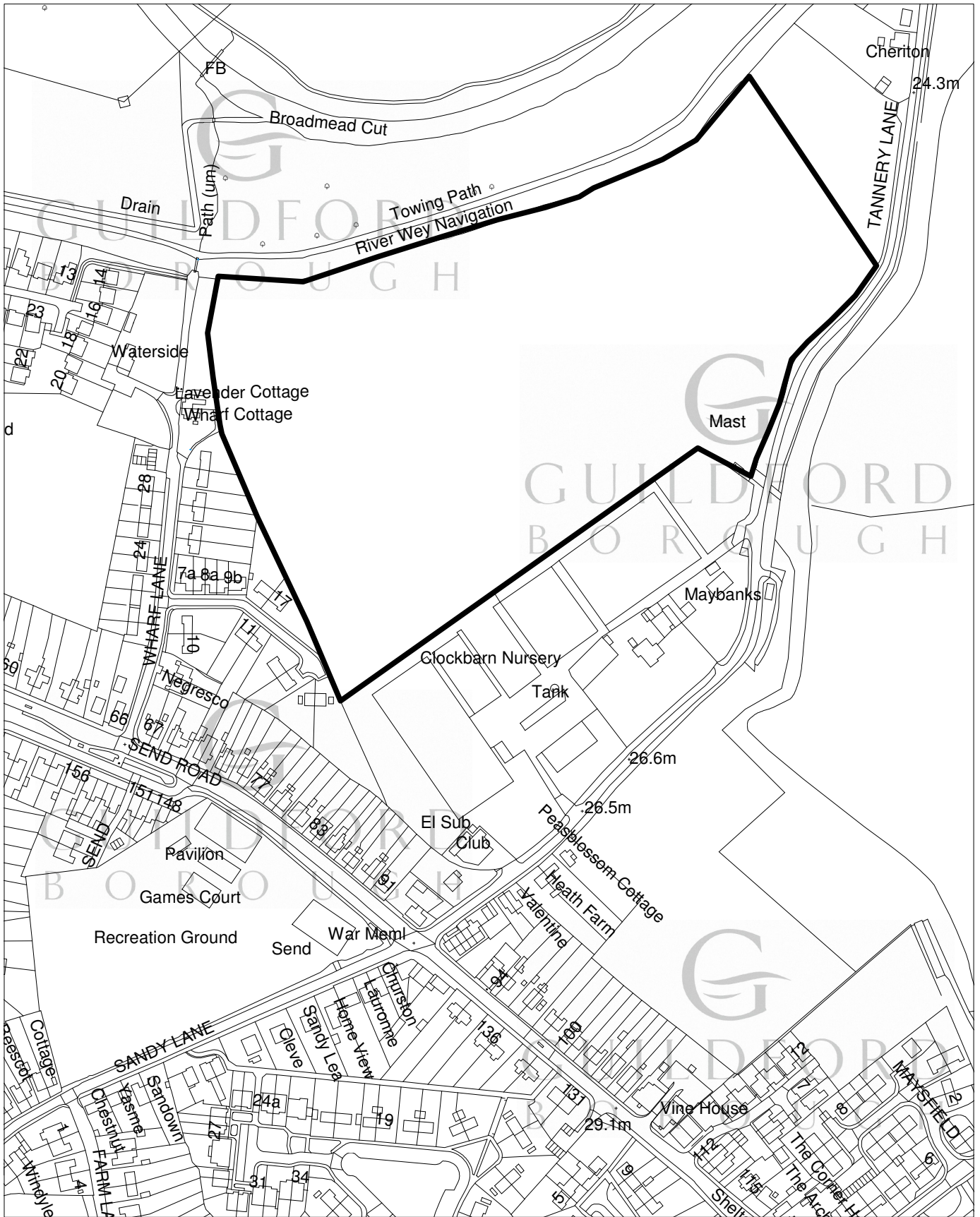
**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
  - offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance, the applicant did approach the Council for pre-application advice prior to submitting the application. However, following concerns with the proposed layout and design of the building amended plans were received to modify the distance to boundaries, design of the dwellings, position of openings and additional planting and acoustic fencing.




# 14/P/02289 - Land to the north of Tannery Lane & east of Wharf Lane, Send



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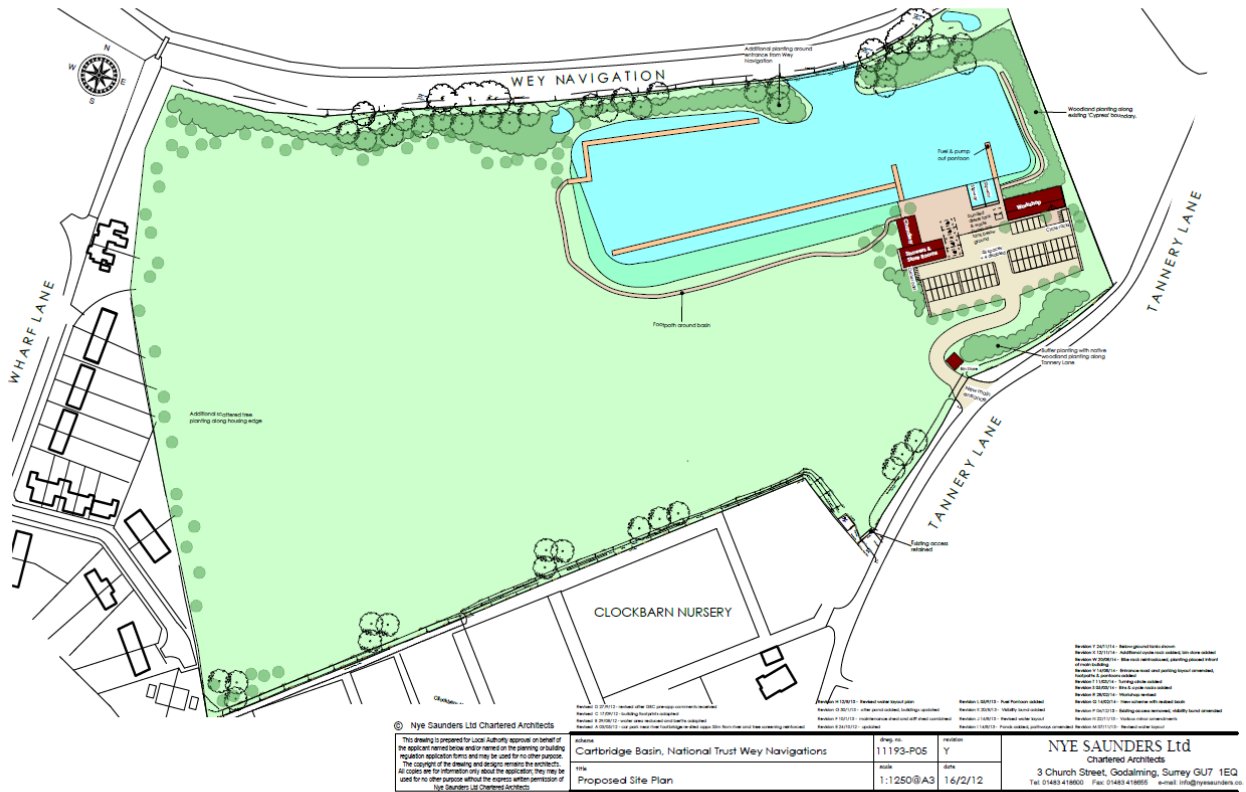
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N  
  
 Not To Scale



**14/P/02289 – Land to the north of Tannery lane & east of Wharf Lane, Send**



**Not to scale**



The site consists of a broadly triangular parcel of land, lying immediately to the east of the village of Send. The present land use is agricultural land, growing arable crops. The land has been previously used for sand / gravel extraction during the 1990s, and therefore consists now of poor quality made ground. The site is relatively level. Existing access to the site is via Tannery Lane and then an agricultural gateway, adjacent to a telecommunications mast / substation enclosure.

There are no Public Rights of Way running across the site land, however there are several nearby.

### **Proposal.**

Construction of a narrowboat basin and moorings facility including: fuel, water & pump-out; Slipway with associated workshop building; Basin facility building with offices, chandlers, M & F toilets, showers, disabled toilet with changing and washing facility, laundry, storage area and employee single bedroom accommodation together with associated parking, landscaping and engineering works. (Revised Non-Technical Summary relating to the Environmental Statement received 21/05/15).

The proposed narrowboat mooring facility will be located on the eastern side of the site and include a connection to the Wey Navigation.

The excavated materials (estimated to be approx 36,000m<sup>3</sup> based on a marina basin water area of 9,100m<sup>2</sup>), will be reused on site to regrade the western half of the site. There will therefore be no transport of materials off site. The elevation (maximum height) of the land will not change. The high point will be maintained. The gradient of the land from the high point to the majority of the field will become flatter. Whilst some gradients at the edge of the field will be steepened but will be managed as rough grassland.

The basin will provide 80 permanent recreational moorings.

A new vehicular access is proposed off Tannery Lane, constructed approximately 75m north-east of the existing access. The existing access will be retained to serve the western half of the site which will remain in agricultural use.

A short internal access road will be provided enabling boat owners / users to drive to a parking area comprising 53 parking spaces + 4 disabled parking spaces.

A new footpath is proposed around the perimeter of the marina. A new pedestrian link is also proposed along the southern edge of the application site, linking the proposed development with Wharf Lane.

Existing vegetation on all boundaries is to be retained and enhanced, including enhancement of the tree belt which runs along the boundary of the site with the Wey Navigation.

Two buildings are proposed comprising a main building (as detailed above) and associated workshop building.

Dimensions of proposed buildings:

Main building:

Height: 6.5m (max); 5.1m (min); Width (L-shaped): 18m (max); 8m (min); Depth (L-shaped): 20m (max); 8m (min);  
Footprint: 240m<sup>2</sup>

Narrowboat workshop building:

Height: 6.1m (max); Width: 10m; Depth: 28m;  
Footprint: 211m<sup>2</sup>

**EIA development**

The proposed development falls within category 12b (Tourism and leisure developments - Marinas) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (known as the EIA Regulations). The EIA Regulations take into account the European Community (EC) requirements of Directive 97/11/EC (the assessment of the effects of certain public and private projects on the environment).

As the proposal could give rise to significant environmental impacts, an Environmental Statement (ES) is required. An ES informs the decision maker of the likely significant environmental effects of the proposed development, both during construction and on completion, and identifies any measures to prevent, reduce or offset any significant effects on the environment. It is an important part of the environmental information that the Council must consider when determining the application, along with representations from consultation bodies and the public.

The applicant has submitted an ES. This considers the development, and its likely environmental effect with regard to:

- Water
- Community
- Land quality
- Noise
- Transport
- Landscape and visual
- Historic Environment
- Ecology

The applicant submitted a revised Non-Technical Summary as an addendum to the ES (received 21 May 2015).

In addition to the ES, the applicant has submitted the following documents:

- Planning Supporting Statement
- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement
- Construction Environmental Management Plan
- Tree Survey and Implications Assessment

Agenda item number: 5(3)

- Supporting letter from the applicant
- Clarification Document (received 18 June 2015) - The clarification document has been produced to address concerns and provide clarification on representations submitted to Guildford Borough Council by statutory and non-statutory consultees, the local community and third parties.

The Clarification Document includes:

- Details of a Drainage Strategy for the proposals put together in consultation with the Council's Drainage Consultant's (Stillwell Partnership) and the Environment Agency;
- a letter from the National Trust regarding the requirements for mooring facilities along the Wey Navigations
- Lighting strategy (in response to comments from Natural England)
- Updated noise report
- A plan to show the proposed location of a walking and cycle link across the site to Wharf Lane, providing a pedestrian link to the centre of the village.

Supporting letter from applicant (dated 18 May 2015) setting out the need for the proposed facility:

- to provide off-line facilities and moorings for the growing narrowboat market
- to take up a portion of the current waiting lists (NT and commercial)
- to create a more competitive marketplace within the Wey Navigations
- to assist with the move from on-line to off-line facilities as proposed by the NT for biodiversity and safety reasons
- to improve the ease of on-line boat handling by supporting off-line mooring use
- to provide an additional contact point to the Navigation, thus encouraging sustainable use and Trust revenues
- provision of services to home water craft and the many visitors to the Navigations
- scheme well received by the boating community who are most supportive of the project in all aspects. These clients will undoubtedly form a strong customer base from the beginning.

Letter from the National Trust (NT) (dated 11 May 2015) (written to the Applicant to outline the National Trust's position on marinas and other boating facilities on the River Wey and Godalming Navigations, in response to comments and objections made to this planning application at Send) summarized as follows:

- have a list of around 50 people waiting on a suitable space becoming available for their boat on the waterway.
- over the last decade the boat ownership and the requirement for moorings and associated facilities and services has remained strong.
- as the Basingstoke Canal becomes more accessible and with the imminent restoration of the Wey & Arun Junction Canal, expect the number visiting boats to increase.
- there are private moorings found along the waterway, primarily at Farncombe Boat House and Pyrford Marina.
- the cost of mooring varies with the facilities and services offered by the supplier - the NT offering the most basic bankside mooring to Pyrford Marina offering a full range of facilities.
- a choice of supplier brings competition to the industry and gives the customer choice with regards to affordability and what facilities they require.

- currently there is only a very limited selection of narrowboat facilities and services available along the waterway and there is a lack of competition.
- Pyrford Marina is the only location with dry docking facilities and a full range of ancillary services.
- Farncombe Boat House has limited space for serving boats, has only a wet boat dock and is situated in a river section of the navigations.
- boaters have to travel some distance for simple services making the waterway as a whole less attractive for potential boaters, which in turn impacts on the Trust's revenue streams vital for continuing the maintenance and operation of the waterway.
- Send is conveniently located almost halfway between the River Thames and the southern terminus of Godalming Wharf.
- mooring basins are in the Trust's view reversible, not so easy for other types of land use such as housing.
- creation of off-line moorings is a benefit to the setting of the conservation area.
- the Trust would wish over time to see a reduction of on-line moorings which often conflict with the visual aspect of the waterway and can be detrimental to marginal vegetation so important for biodiversity.
- the Trust can only contemplate reducing on line moorings if the income derived from these moorings is replaced by income from a new source such as offline moorings.
- proposed location at Send would provide safe and accessible access to boats unlike on-line moorings found in river sections.
- a well planned and located mooring basin will have little if any visual impact on the conservation area compared to an on-line mooring.
- on-line moorings would not be replaced as they fell vacant thus emptying a mooring by natural wastage.
- if boating is to continue and prosper on the River Wey and Godalming Navigations it is desirable that the development and provision of modern and easily accessible boating facilities and services takes place to meet the needs of growth in this recreation sector.

#### Community engagement

A public exhibition was held on 20 September 2014 at Lancaster Hall, Send. The exhibition enabled members of the public to read information relating to the project presented as text and drawings on information boards. The applicant was present to answer questions and receive feedback on the proposals from attendees. All those in attendance were requested to complete a feedback form. 12 feedback forms were received, all of which were supportive of the proposals.

#### **Relevant planning history.**

None relevant.

#### **Consultations.**

##### County Highway Authority:

- No objection subject to recommended conditions and informatives (discussed later in the report).

## Agenda item number: 5(3)

- The impact of development traffic on the Tannery Lane/Send Road Junction has been assessed and the additional trips will not have a significant impact on this junction. The trips associated with the proposed development are more likely to occur at weekends or on Fridays outside of peak hours, therefore this will not result in increased congestion at the Tannery Lane/Send Road junction in the morning peak hours.
- The applicant had to undertake a speed survey to show the actual speed of vehicles on Tannery Lane in order to determine the required visibility at the proposed access. The 85th percentile speed of vehicles on Tannery Lane was 30.9mph and 29.1mph South of the proposed access and 25.9mph and 23.7mph at the North of the proposed access. The maximum required visibility for vehicles of this speed would be approximately 45m; the achievable visibility in both directions (82m and 174m) at the proposed access is in excess of this. Visibility from the proposed access onto Tannery Lane is therefore sufficient.
- Basing the level of parking provision on existing canal basin sites is a satisfactory method to determine the required level of parking. The justification for the level of parking is satisfactory and the parking being provided will be sufficient.
- The provision of a pedestrian/cycle link from the proposed development to Wharf Lane shall provide safe access for all to the facilities on Send Road. This will encourage users on the site to walk or cycle to nearby facilities instead of using the private vehicle, therefore making the development more sustainable. The widening of Tannery Lane at the bend south of the access will allow two cars to pass simultaneously, therefore reducing the impact of increased levels of traffic on Tannery Lane at this point.

Additional comments received (31 July 2015) following Member's site visit:

- The Transport Statement provided by RGP as part of this application, point 3.1.6 reads: 'Tannery Lane runs along the southern boundary of the site from west to east. It is subject to a 30mph speed limit, which extends from the A247 to approximately 10 metres east of the current site access, where the speed limit changes to derestricted (60mph), although the alignment of Tannery Lane ensures that vehicle speeds are significantly below 60mph.'
- The Transport Statement was published in February 2014, since then it would seem that the 30mph speed limit has been extended, as shown by the repeater sign helpfully pointed out by one of the Councillors. Therefore the speed surveys were a requirement given the speed provided by their transport consultants. If the speed limit had been stated as 30mph at the publication of the Transport Statement a speed survey would not have been asked for as the achievable visibility splays (to be in accordance with Manual for Streets) are more than sufficient for a road of that speed limit. The fact speed surveys were undertaken meant an even more thorough assessment was carried out, the findings showed that speeds are around 31mph which further justifies that the achievable visibility splays are more than sufficient.

### Environment Agency:

- No objections to the proposals on biodiversity grounds and welcome the proposed ecological enhancements that will increase the biodiversity interest of the site.



- Particularly welcome the commitment to the long-term management of the site, as this will ensure the continued biodiversity interest of the enhanced and newly created habitats.
- The application is acceptable subject to conditions requiring a surface water drainage scheme, landscape management plan, construction environmental management plan
- the applicant has met the minimum requirements of the NPPF. The applicant should, as part of the surface water strategy, demonstrate to the LPA that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.
- Although not affecting the designated main river Wey the proposed works do require consent as they are within 8 metres of the Wey Navigation.

Additional comments from Land Contamination and Groundwater Protection Team (at the Environment Agency):

- The Contamination Investigation work to date has not shown the site to be significantly contaminated but groundwater beneath the site itself has not been sampled to date. Therefore on site groundwater sampling is required during the site investigation and also during works on site to build the marina as contaminants could move onto the site during dewatering/excavation works. Monitoring of groundwater and surface water should be included as part of the validation works to confirm there has been no impact.
- Agree with the conditions suggested by the Council's Environmental Health Officer.

Nicholas Pearson Associates (NPA) (independent environmental consultants appointed by the Council to review the ES)

The ES review recommended that Guildford Borough Council consider the need for a revised Non Technical Summary, submitted as 'Further Information' under the terms of the EIA Regulations in order to ensure the ES meets the regulatory requirements. The NTS was not considered to provide a summary of the information required within Schedule 4 of the EIA Regulations.

The ES review also recommended that GBC consider the need for 'Further information' regarding whether the proposals would have any effects on water levels within the Wey Navigation or other water resources in the locality, particularly during the summer months, as requested by the Environmental Agency. [Officer note: Although this matter was raised at the Scoping stage, the Environment Agency has not raised concern in their consultation response. Further information is therefore not considered to be required regarding this matter]

The ES review has found a number of additional areas where it recommended that GBC seek clarification from the applicant to be satisfied that the ES is complete and to inform the determination of the planning application. These are summarised below:

- description of development
- transport
- community

## Agenda item number: 5(3)

- noise
- ecology
- land quality
- landscape and visual
- climatic factors
- cultural heritage

The applicant submitted a revised Non-Technical Summary as an ES Addendum on 21 May 2015. This together with the Clarification Document (received 18 June 2015) provided the additional information requested and clarification on the other issues raised.

NPA reviewed this revised Non-Technical Summary and concluded that the NTS meets the minimum requirements of the EIA Regulations, as set out in Schedule 4, Part 2.

Subject to the delivery of mitigation and other measures through conditions the development would not give rise to significant or harmful environmental impacts.

### Drainage Consultants (Stillwell Partnership)

- The Flood Risk Assessment submitted for this development is a professionally prepared report and covers flood risk for the development.
- In accordance with NPPF, all forms of flooding should be considered for the development. The FRA should include formal discounting/mitigation for other sources of flooding. In addition, further investigations should be made into the primary risks of flooding to the site.
- It is recommended that the applicant provide a drainage strategy for this development before planning approval can be granted (recommendations made for the details that should be included in a drainage strategy).
- Thames Water have confirmed that there is capacity in the existing public sewer network to cope with the additional foul water flows from the development.

### Updated comments (received 3 July 2015) in response to the Clarification Document which includes a Drainage Strategy submitted by Johns Associates for planning application 14/P/02289 – Cartridge Basin.

The following sections of the document have been reviewed in terms of flooding and drainage: Section 3 and Appendix A. The comments on the report are as follows:

- Appendix A Section 2. The concept of tanked permeable systems with a positive outfall is acceptable as previously discussed with the applicant and the details presented are acceptable
- Appendix A Section 4. The remodelling and consultation regarding the run-off rate is acceptable and the applicant has gone to a good level of detail to establish the potential run-off rate.
- Appendix A Section 5. The pond strategy is acceptable for the development and the recommendation to restrict the flow prior to the marina has been implemented.
- Appendix A Section 6.2. It is accepted that all water within the site will be contained with the upgrading of the perimeter ditches. This approach is acceptable.
- Appendix A Section 7. The strategy for exceedance flows is acceptable.
- Appendix A Section 8. The strategy for maintenance is acceptable.

Therefore the report issued by Johns Associates has met all the criteria previously set. Any detailed design works should be done in accordance with this strategy document and the FRA.

Council's Drainage Engineer

Concur with the Stillwell Partnership response.

Natural England (NE):

- Thames Basin Heaths Special Protection Area (SPA) - If the applicant is complying with the Council's adopted Avoidance and Mitigation Strategy then NE does not object.
- Sites of Special Scientific Interest (SSSI) - No objection, no conditions requested. This application is in close proximity to Papercourt SSSI and Basingstoke Canal SSSI. NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.
- Local sites - As the proposal site is on or adjacent to Broadmead Cut and Wey Navigation at Send SNCI the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. [Officer comment: Volume 3 of the Environmental Statement sufficiently addresses the impact of the proposal on the SNCI.]
- Protected species - refer to standing advice [Officer note: Ecological surveys have been carried out for protected species in accordance with Natural England's Standing Advice.]
- would expect a lighting strategy to be produced to demonstrate that low level and directional light can be delivered. [Officer note: Further to Natural England's concerns, the applicant has submitted a proposed lighting strategy. This is discussed in more detail below]

Surrey Wildlife Trust (SWT)

- should the Local Authority be minded to grant the application, the applicant should be required to undertake the mitigation measures relating to Protected Species set out in the Environmental Statement.
- note that the development is intended to reduce on-line moorings, which could result in a reduction in adverse ecological impacts. However, there is no undertaking from the National Trust that such moorings will in fact be managed downwards in response to the new facilities; given the current economic pressures, the development may therefore result in an overall increase in traffic to the detriment of the wildlife.
- a draft Construction Environmental Management Plan (CEMP) has been prepared, which should help avoid adverse impacts from the construction phase of the development.
- recommendations made with regard to biodiversity enhancements
- this development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under NERC and also help offset any localised harm to biodiversity caused by the development process.
- The Trust supports the enhancement measures outlined in Volume 3 of the Environmental Statement which the applicant should be required to undertake

Thames Water:

No objection with regard to waste or water infrastructure.

Recommended informative with regard to surface water drainage.

Surrey County Council Archaeological Officer:

Due to the fact that the site has been disturbed to some extent by the existing development and the fact that remains of national importance worthy of preservation in situ are unlikely to be present, in this case it would be reasonable to secure the required programme of archaeological works by the use of the recommended condition should planning consent be granted

Arboricultural Consultant

- no objection to proposals
- no trees of any particular merit with many in a declining condition, replanting will adequately compensate for any trees that require removal
- require an Arboricultural Method Statement as a condition

Send Parish Council:

Objects to the application on the following grounds:

- application contains a lot of inaccuracies and misinformation
- flooding - concern that the soil displaced to the surrounding field will create a flood risk to the houses in the area
- impact on existing highway issues along Tannery Lane and the junction with Send Road
- impact on wildlife
- previous use of the site as landfill and implications for ground contamination as a result of the development
- not a disabled user friendly design
- unclear whether the development for public or private use [Officer note: The proposed facility would be a private enterprise which any member of the public would be able to pay to use]
- if permitted, there should be very good screening to the Wey Navigation to ensure its preservation
- would seek assurances than the land to the west of the site is kept as open countryside

Additional comments received from Send Parish Council 15 June 2015 following receipt of revised Non-Technical Summary:

- issues of environmental health should be fully investigated before approval is granted
- question how GBC's Environmental Control Officer states 'no objection'
- concerns regarding serious risk of flooding for Tannery Lane, parts of Send Road and for Wharf Lane
- ground contamination - there is already run off going into the Wey Navigation
- the added requirement for a pedestrian cycle link adds an element to the proposed development, which was not part of the original consultation - residents of Wharf Lane should be consulted on this
- concerns regarding impact of required security lighting in the link
- impact on wildlife including otters

Head of Community Care Services:

No objection subject to recommended conditions and informatives regarding:

- noise and dust control during construction
- noise associated with the use of the buildings
- plant and equipment noise
- investigation and remediation with regard to contaminated land

Landscape architect

- the buildings and layout are well designed and appropriate for the setting.
- the use of native species throughout is wholly appropriate and acceptable.

**Third party comments:**

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

- the site is within the Green Belt - no exceptional circumstances
- impact on protected species
- no proven or identified need for this type of leisure / recreation development
- no survey evidence of boat users
- inaccuracies in the application documents
- concerns regarding public consultation
- ground contamination risks, will disturb an old landfill site [Officer note: The application site itself is not a former landfill site]
- would adversely alter the character of the Wey Navigation Conservation Area
- loss of Grade 2 Agricultural Land [Officer note: An Agricultural Land Classification was carried out on the site in October 2014. This concluded that the site falls within a grading of 3b]
- adverse impact on congestion / highway safety in Tannery Lane (a single track lane), junction with A247, Papercourt Lane and Polesden Lane
- impact of change in ground levels on flood risk
- "trojan horse" for other substantial residential development along the River Wey Navigation [Officer note: With the exception of a single bedroom manager's flat, no residential development is proposed as part of this application. Any future applications for residential development would have to be assessed entirely on their own merits]
- detrimental impact on local environment
- detrimental impact on local birds and wildlife
- noise and pollution
- there is already a large marina at Pyrford
- not required or desired by local residents
- local infrastructure is already overloaded

16 letters of support have been received outlining the following positive comments:

- will provide much needed additional mooring space in the South East
- provide competition for the only other marina
- provide employment in the area
- support the local economy
- provide additional places to service a boat
- the noise footprint from such a marina will be very low and will provide a very quiet industry
- will stop the continuing spread of housing and industrial development
- will provide something that the public & wildlife can use & enjoy and will improve the wellbeing of so many local people
- will be an asset to the area and provide more funds to keep the River Wey properly maintained
- there is a shortage of moorings around Guildford and Godalming

### **Planning policies.**

The following policies are relevant to the determination of this application.

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

Core planning principles

Chapter 1. Building a strong, competitive economy

Chapter 3. Supporting a prosperous rural economy

Chapter 4. Promoting sustainable transport

Chapter 7. Requiring good design

Chapter 8. Promoting healthy communities

Chapter 9. Protecting Green Belt land

Chapter 10. Meeting the challenge of climate change, flooding and coastal change

Chapter 11. Conserving and enhancing the natural environment

Chapter 12. Conserving and enhancing the historic environment

Chapter 13. Facilitating the sustainable use of minerals

The Conservation of Habitats and Species Regulations (2010)

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

### **South East Plan**

Policy NRM6 - Thames Basin Heath Special Protection Area

**Ministerial statement March 2015** – removing maximum parking standards:

“Local Planning Authorities should only impose local parking standards for residential and non residential development where there is a clear and compelling justification that it is necessary to manage their local road network”.

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

G1	General Standards of Development
G5	Design Code
G6	Planning Benefits
G11	Corridor of River Wey & Guil & God Navig
HE10	Dev Which Affects the Setting of a CA
NE4	Species Protection
NE2	Sits of Special Scientific Interest
NE3	Local and Non-Statutory Sites

NE5        Dev. Affecting Trees, Hedges & Woodlands  
R10        Water Based Recreational Activities  
RE2        Development Within the Green Belt

**Supplementary planning documents.**

Manual for Streets (2010)  
Planning Contributions SPD (2011)  
Sustainable Design and Construction SPD (2011)  
Vehicle Parking Standards SPD (2006)  
Surrey County Council Vehicular and Cycle Parking Guidance (2012)  
Thames Basin Heath Special Protection Area Avoidance Strategy (2009-2016)  
Guildford Borough Landscape Character Assessment and Guidance (2007)  
The National Trust's Environmental Strategy  
National Trust Policy Statement for the River Wey and Godalming Navigation (May 2006)

**Planning considerations.**

The main planning considerations in this case are:

- Policy background - Status of the land in terms of the adopted Local Plan (2003) and the draft Local Plan strategy and sites (2014)
- the principle of development - Green Belt / provision of water based recreation
- loss of agricultural land
- the impact on the openness of the Green Belt
- need for the proposed facility
- alternative sites?
- heritage considerations
- character of the area including landscape character
- highway/parking considerations
- the impact on neighbouring amenity
- impact on flooding and drainage
- ground contamination
- impact on biodiversity
- impact on trees and vegetation
- archaeology
- sustainable design and construction
- Thames Basin Heat SPA
- legal agreement requirements
- other considerations
- balancing exercise

Policy background - Status of the land in terms of the adopted Local Plan (2003) and the draft Local Plan strategy and sites (2014)

The site area is currently designated Green Belt, in accordance with the extent of Green Belt as shown on the Local Plan Proposals Map (Local Plan 2003, Policy RE1 Extent of Green Belt and proposals map). Therefore, saved Local Plan Policy RE2 (2003) and national NPPF Green Belt policy, as set out in paragraph 87-90 of the NPPF, apply.

The Council is currently preparing a new Local Plan. To inform this process, the Council has carried out a review of the Green Belt, to identify possible development areas, should the identified development needs of the borough not be able to be sustainably met in the urban areas and village settlements.

The Guildford Borough Green Belt and Countryside Study (GBCS) is an evidence base document prepared to inform the emerging new Local Plan. The application site is identified in the GBCS (Volume III) as a potential development area (B16-C Send). It is also identified in Volume V as a larger potential major development area (B16-A Send). This evidence study does not, however, set policy nor does it amend existing Green Belt boundaries. As set out in the NPPF (paragraph 83), it is for the new Local Plan to consider whether exceptional circumstances exist in order to justify a review of Green Belt boundaries.

The draft Local Plan strategy and sites (2014) proposed to remove the application site from the Green Belt, as part of a larger potential development site (draft Local Plan proposed site allocation number 75), to provide housing (C3) and public village car park or housing (C3), public village car park and marina (*sui generis*).

Government guidance (PPG para 019 ID Ref 12-019-20140306) advises that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. Whilst the draft Local Plan strategy and sites (2014) proposed amending Green Belt boundaries, including removing this land from the Green Belt, the draft Local Plan is at a relatively early stage in the plan preparation process (Regulation 18 draft plan consultation was completed in September 2014) with unresolved objections, and therefore should be given very little weight.

This planning application should be determined on its own merits in accordance with current planning policy and all relevant material planning considerations. Any subsequent future decisions to be taken as part of the Local Plan process do not influence whether this current proposal is acceptable in planning terms.

#### Principle of development - Green Belt

Saved Local Plan Policy RE2 is broadly consistent with the NPPF, therefore Policy RE2 should be given considerable weight. However, in relation to leisure and recreation uses, Policy RE2 is overly restrictive. It refers in point two to *essential* outdoor sports and recreation facilities whereas the NPPF refers to the provision of *appropriate* facilities (para 89).

Paragraph 89 of the NPPF says, "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include: the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."

Paragraph 81 of the NPPF says, "local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation."



The proposal will involve the material change of use of just under one half of the site from agricultural land to an area to be used for the mooring of boats and the parking of up to 57 cars. The regraded land to the western half of the site will remain in agricultural use. The material change of use of land is not included in the exceptions set out in Para 89 of the NPPF. This would be inappropriate development in the Green Belt.

Notwithstanding this, proposed buildings for outdoor recreation are not in principle inappropriate in the Green Belt, as long as the new buildings proposed are appropriate, preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. A judgement needs to be made as to the impact of the proposed buildings on the openness of Green Belt. This is assessed in more detail below.

As an engineering operation, the construction of a marina and related earthworks in Green Belt is not inappropriate in the Green belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. (NPPF para 90).

In considering the proposal as a whole, whilst the engineering works and marina buildings may not be inappropriate in themselves the development as a whole derives from a material change of use of the land, which is inappropriate development in the Green Belt. NPPF Para 88 states that "inappropriate development is by definition harmful to Green Belt and should not be approved except in very special circumstances. Para 88 goes on to state that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

This report will now go on to consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined above.

#### Provision of water based recreation in the countryside

Policy R10 of the saved Local Plan supports the provision of water based recreational activities in the countryside. This policy states that the use of existing or new man made water areas for recreational activities in the countryside will be permitted provided:

1. There is no harm to the landscape character, nature conservation interest, archaeological interest, water environments, historic landscapes, conservation areas or buildings of historic or archaeological interest and the best and most versatile agricultural land;
2. Any associated buildings are small scale and would not cause harm to the character and openness of the area;
3. Car parking provision is discretely located and screened;
4. Traffic generation would not prejudice highway safety or cause harm to the environment or character of the area or local roads;

This policy goes on to state that to protect the character of the countryside proposals will be expected to have minimal impact, new buildings kept to a minimum and car parking appropriately screened in order to protect the character of the countryside.

R10 is consistent with the NPPF except for the first criteria in that this criteria 1 does not conform with the NPPF presumption in favour of sustainable development. Saved Local Plan Policy R10 therefore carries full weight, with the exception of criteria 1, as R10 does not allow harm to the landscape character, nature conservation interest, archaeological interest, water environments, etc, whereas the NPPF allows adverse impacts as long as the benefits outweigh them.

Para 28 of the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;...'

#### Loss of agricultural land

The application site is currently in agricultural use, currently used for growing arable crops.

The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.

It is acknowledged that the land is shown as Grade 2 on the Natural England Agricultural Land Classification database. However, the guidance in the Natural England Technical Information Note (TIN049) states that 'these maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance'.

Independent soil testing was subsequently carried out on the proposal site in October 2014. In order to establish the ALC a desktop investigation and field survey consisting of a number of hand auger borings to a depth of 1.2m were carried out, together with pit excavations to determine sub soil structure where necessary. The ALC was carried out by Soil Environment Services Ltd in October 2014 and is attached to the Planning Supporting Statement at Appendix D. The survey reports that 'the combination of the soil textures together with climatic factors results in an ALC grading of 3b for Type 1 soils. The survey therefore concludes that the proposals is not considered Best and Most Versatile Agricultural Land.

The proposal therefore accords with Policy R10 of the saved Local Plan and Para 112 of the NPPF.

#### The impact on the openness of the Green Belt

The proposed buildings would lead to an increase in built form in the Green Belt and the car parking area would also result in an encroachment. The proposed basin itself, although providing moorings for boats, by virtue of its open nature and due to its modest scale will maintain openness. The proposed development is consolidated on the eastern side of the site, with the proposed buildings and parking area confined to a modest area on the eastern edge of the site, thus minimising the spread of development.

The southernmost element of the main building will measure to a ridge height of 6.5 metres in height. This height is required to allow for the provision of living accommodation for the facility manager within the roofspace. The provision of a single bedroomed flat, is considered appropriate in connection with the day to day management of the proposed recreation facility. The proposed height is still relatively modest and enables the footprint of the building to be kept to a minimum. The narrower northern section of the building then steps down in height to 5.1 metres with a shallower pitched roof and lower eaves height which assists in minimising the overall bulk of the building.

The proposed workshop building is to measure to a ridge height of 6.1 metres. The height and footprint of the building has been kept to the minimum required to accommodate two narrowboats for repairs, together with a small amount of ancillary circulation space. This proposed building is sited adjacent to the eastern boundary of the site and will be set against an area of proposed woodland planting along the eastern edge of the site.

Both buildings have been sited as close as possible to the edge of the proposed basin, reducing the spread of development. It is considered that the size of the buildings has been limited to the minimum required to meet the operational needs of the proposed basin. Although consolidated on the eastern side of the site, a good sized gap will be provided between the two buildings which will break up the bulk of the built form, allowing views through, across the proposed basin.

The proposed parking area will provide 57 spaces. This is the minimum amount of parking required to serve the new facility. The length of the vehicular access has also been kept to a minimum.

The proposed regrading of the land to the western half of the site, would result in some modest increases in ground levels and alterations to topography, mainly comprising the flattening out of the surface from the existing higher point in the middle of the site, with steeper slopes around the edges of the site. There will be no increase in levels from the existing highest point and the maximum increase in levels at any point will be 2 metres. The regrading of the land will ensure that it remains suitable for agricultural purposes and will retain the openness of this part of the site.

Overall, the scale of the proposed basin is modest, and the scale of the proposed associated buildings and parking facilities are also modest and appropriate to the scale of basin proposed. The location of the development to the eastern side of the site, with the western side of the site remaining in agricultural use, will ensure that a large visual gap is retained between the existing housing to the west of the site and the proposed development. The consolidation of the built form and parking area, set against the eastern edge of the site, will minimise the impact on openness, whilst still allowing views through the site.

It is considered that the proposal, by virtue of the introduction of development on a currently undeveloped site will result in some harm to the openness of the Green Belt. However, for the reasons set out above, this impact across the site will be minimal. As such, it is concluded that the proposal will satisfactorily preserve the openness of the Green Belt and will not have a significant adverse impact, in accordance with policies RE2 and R10 of the saved Local Plan and Chapter 9 of the NPPF, and will not conflict with the purposes of including land within it.

As noted above, the proposal also includes the provision of living accommodation for the facility manager comprising a one bedroom flat. This provision of a residential unit within the Green Belt is only considered acceptable as it would be an essential requirement in connection with the day to day management of the recreation facility (for security and operational purposes). It is therefore necessary to ensure that this accommodation could only be occupied by the manager of the proposed basin facility. This will need to be secured by way of a condition. A condition is also recommended to ensure that the proposed moorings are used for recreational purposes only and not as residential moorings.

#### Need for the proposed moorings facility

Policy G11 of the saved Local Plan relates to the Corridor of the River Wey and the Guildford and Godalming Navigations.

The Wey Navigations are owned by the National Trust.

The National Trust's Environmental Strategy is referenced in Para 4.59 of the supporting text for Policy G11 which states that 'this strategy identifies the River Wey and the Navigations as being of considerable local importance and environmental sensitivity, providing opportunities for informal recreation and learning. Para 4.61 goes on to state that 'within the River Wey Navigation Corridor the Borough Council will expect development to support the objectives of the National Trust's Environmental Strategy which include to...' improve public access to the area' and 'support water recreation interests and users....'

Policy 94 of the National Trust Policy Statement for the River Wey and Godalming Navigation relates to the development of off-line moorings.

Para 28 of the NPPF states that 'sustainable rural tourism and leisure developments that benefit businesses, communities and visitors, and which respect the character of the countryside should be supported.'

The Planning Supporting Statement submitted with the application sets out the case for the need for the proposed moorings facility. This states that there is a need for long-term moorings on the Wey Navigation, which derives from the following three factors:

#### 1. Demand for long-term moorings

The National Trust has confirmed that the waiting list for a mooring remains strong. The only existing off-line mooring facilities are at each end of a 20 mile stretch of waterway, at Pyrford Marina to the northern end and Farncombe Boat House to the southern end of the Wey Navigation. It is acknowledged that these existing facilities are not at full capacity. However, it is noted that the limited number of facilities means that there is limited competition and therefore the costs of moorings are relatively high. The applicant states that 'without doubt, additional offline moorings will have a strong impact on the mooring costs in favour of the customer.'

## 2. Waterway congestion

The Planning Supporting Statement includes details of the Canal & River Trust Boat Owners Survey 2011 which highlights that congestion is a problem in the south east area. The National Trust has confirmed that they would wish over time to see a reduction of on-line moorings which often conflict with the visual aspect of the waterway and can be detrimental to marginal vegetation so important for biodiversity. The Trust has advised that they can only contemplate reducing on-line moorings if the income derived from these moorings is replaced by income from a new source. The creation of offline moorings provides this opportunity.

## 3. Conservation of the Wey Navigation

The proposal would facilitate the preservation of the Wey Navigation Conservation Area by reducing the mooring of boats on-line at Papercourt Lock. This will in turn reduce boating congestion, bank erosion, oil spills compromising water quality, mooring ropes presenting as trip hazard to users of the tow path and the visual impact of poorly maintained boats.

In conclusion, it is considered that the provision of the proposed additional modern facility will be in an appropriate location and will assist in the growth of this recreation sector, to the benefit of existing boat users and providing the potential for attracting new boat users. The proposal will provide a recreational facility which would provide opportunities for outdoor sport and recreation. Furthermore, the proposal will assist in reducing the number of on-line moorings on the Wey Navigation which will reduce the visual impact of this activity on the conservation area which in turn be of benefit to the setting of the Conservation Area. This will be in accordance with Para 28 of the NPPF and Policy G11 of the saved Local Plan.

It is considered that the need for the facility and the benefits provided by the provision of enhanced facilities to support the recreational use of the river, together with the associated benefits to the visual amenity of the river, should be given considerable weight in support of the proposals. A further benefit, although moderate, is the employment opportunities that would result, together with the benefit to the local economy resulting from the use of local facilities and services by users of the proposed facility.

### Alternative sites

The applicant has not considered alternative sites along the Wey Navigation for the proposed development. However, almost the whole Wey Navigations is located within the designated Green Belt. The only section that is not within the Green Belt runs through the Urban Area of Guildford between Ladymead and Millbrook. Therefore, a proposal for a narrowboat basin in any Green Belt location along the Wey Navigations would have to be assessed against Chapter 9 of the NPPF and Policy RE2 of the Guildford Local Plan 2003 pertaining to the protection of the Green Belt.

It is therefore very likely that the identified need would have to be provided within a Green Belt location. Consequently, this proposal for a well designed scheme, in a sustainable location, sensitive to its context with no objections raised by Statutory Consultees is considered preferable to an alternative that does not accord with adopted policy and which could possibly cause more harm.

### Heritage considerations

#### Statutory provisions:

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 12 of the National Planning Policy Framework at para 129 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 131-135 sets 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 northern edge of the application site abuts the Wey Navigation which is a designated conservation area. The proposed development therefore has the potential to affect the setting of the conservation area. The site is currently screened from the conservation area by a mature belt of trees which run along the southern edge of the waterway. This belt of trees means that there is currently extremely limited visibility of the application site from within the conservation area, and land beyond on the opposite side of the waterway. This screening also means the Wey Navigation is not currently visible from within the application site.

The main impact would be the proposed creation of a connection through the existing tree belt between the proposed narrowboat basin and the existing waterway. This would result in the loss of a 30 metre length of the existing 300m (approx) long tree belt which runs along the northern boundary of the site. There is no objection to the loss of the trees (discussed in more detail below). This would create a relatively small opening in the otherwise continuous vegetation which runs along this side of the river. The proposal will therefore have very limited visual impact on the conservation area. Furthermore, the remainder of the tree belt along the northern boundary is to be significantly enhanced with new planting, which will positively enhance the setting of the conservation area.

The extent of the built development is confined to the vicinity of the access from Tannery Lane leading to parking and associated facilities at the eastern corner of the site. The proposal has been designed sensitively to its surroundings and riverside setting. The two buildings proposed are simple barn-like structures, with pitched tile roofs and timber cladding above a brick plinth for the walls. The buildings will sit comfortably in the context of the site and surroundings. This together with the provision of enhanced landscaping both within and along the edges of the site will result in an attractive feature which would result in a positive addition to the setting of the conservation area.

Furthermore, the proposal will result in the creation of off-line moorings which will reduce the visual clutter resulting from boats being moored on-line on the waterway and will subsequently be of significant benefit to the setting and visual amenity of the Conservation Area.

As such, subject to conditions regarding the use of materials and the implementation of a sensitive landscaping scheme, it is concluded that the proposal will provide an attractive facility that will preserve and significantly enhance the setting of the Conservation Area.

As such, it is concluded that the proposal will not result in material harm and will enhance the setting of the designated heritage asset, in accordance with policies G11 and HE10 of the saved Local Plan and Chapter 12 of the NPPF. As such, having due regard to Section(s) 72 of the Planning (Listed Building and Conservation Area) Act 1990 permission should be granted.

It is considered that the benefits to the setting of the Conservation Area is a consideration which should be given considerable weight.

#### Impact on the character and landscape of the area

This is a large countryside site on the edge of the settlement bounded by the Wey Navigation.

A Landscape and Visual Impact Assessment (LVIA) has been carried out as part of the ES. This acknowledges that the site currently forms a 'green gap' (between the edge of residential development in Wharf Lane and Tannery Works) from the Wey Navigation and its towpath.

In response to this, the siting, layout, massing and height of the proposed has been consolidated and situated on eastern edge of the site. The western part of the site is to be retained in agricultural use, maintaining a green gap of a minimum width of 180 metres to the proposed basin and approximately 300 metres to the proposed buildings from the existing housing to the west. In addition, enhanced native buffer planting has been included along the existing tree lined buffer along the northern boundary of the site to screen the site from sensitive views along the navigation.

Existing trees and vegetation on the remaining boundaries, together with proposed new native planting on the site boundaries and within the site will also ensure that the site remains well screened from the wider surroundings, reducing the visual impact of the proposed development. The landscaping proposal also includes the removal of the existing tall, uncharacteristic Cypress trees on the eastern boundary of the site and their replacement with native woodland planting, resulting in a positive enhancement to the wider landscape. The implementation of a Landscape Management Plan can be secured by condition.

With the retention of a sizeable 'green gap' between the proposed development and residential development to the west and due to existing and enhanced tree planting on the edges of the site, together with sensitive landscaping within the site and the modest scale and sympathetic design of the proposed basin and associated buildings and parking area, it is concluded that the proposal will not have an adverse visual impact on the surroundings and will not adversely impact the rural character of the area.

The submitted lighting strategy (discussed in more detail below) proposes the use of only low level and movement sensor lighting along the pontoons and external circulation spaces. This will ensure lighting is kept to the minimum required for health and safety purposes and will avoid any upward light pollution. As such, it is considered the proposed lighting will not adversely impact the wider rural landscape.

The proposal therefore accords with policies G5 and R10 of the saved Local Plan.

#### Highways / parking considerations

Para 32 of the NPPF (Chapter 4) states that decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

#### *Sustainability*

The site is located on the northern side of Tannery Lane, approximately 450 metres east of the A247, Send Road. The site is approximately 700 metres from Send's village centre which includes a food store, post office, restaurants and cafes and an ATM. It is therefore accepted that the development of this site as a canal basin would allow some journeys to be made by sustainable modes (walking / cycling) of transport in accordance with the objectives of the NPPF.

A Transport Statement has been submitted with the application.

#### *Traffic generation*

A Trip Generation Assessment has been carried out by the applicant's Transport Consultant's (RGP) and forms part of the Transport Statement.

The development is proposed on a site which currently generates minimal trips due to the vacant nature of the site. Therefore all of the trips associated with the proposed development would be considered to be an increase from existing levels. In order to establish the traffic generation associated with the Canal Basin, the TRICS database (the National System for Trip Generation Analysis) was interrogated to derive anticipated traffic flows. Similar (inland) marina sites were considered. The data shows that Marina sites are visited more frequently during the weekends, especially during bank holidays.

From this analysis it is concluded that the proposed trip generation from the site would result in an increase of 4 two-way vehicle movements during both the morning and evening peak hours. This slight increase in activity will not result in significant impact to the surrounding highway network, including Tannery Lane and Papercourt Lane and Polesden Lane.



The County Highways Officer (CHO) agrees with the conclusions of the Transport Statement. The CHO is satisfied that the impact of development traffic on the Tannery Lane/Send Road Junction has been assessed and the additional trips will not have a significant impact on this junction. The trips associated with the proposed development are more likely to occur at weekends or on Fridays outside of peak hours, therefore this will not result in increased congestion at the Tannery Lane/Send Road junction in the morning peak hours.

Notwithstanding this, the CHO acknowledges that the vast majority of vehicle movements will utilise the Tannery Lane / Send Road junction meaning an increase of vehicles using this narrow section of Tannery Lane to the south of the application site. In response to the concerns raised by the CHO regarding the increase in traffic in this section of Tannery Lane, the applicant has agreed to undertake works to widen the narrow section of Tannery Lane to 4.5m approximately 210m south of the proposed access. The CHA has confirmed that these improvements can be accommodated within land that is adopted by the CHA.

The proposed highway improvements will result in 2 cars being able to pass on the bend more easily and improve forward visibility at this point. Whilst the suggested level of movement generated by the construction traffic is low, these improvements would be for the traffic generated by the development itself not just for the construction period. It is considered that these improvements are essential to ensure that the development does not have an adverse impact on highway safety within Tannery Lane. It is therefore recommended that the provision of the improvements be secured by condition.

A detailed construction management plan is also recommended to be conditioned due to the rural nature of Tannery Lane and potential level of traffic associated with the construction of a canal basin. All the excavated material is to remain on site which will greatly reduce the amount of traffic; however restrictions will still be imposed on construction traffic.

#### *Access*

A new vehicular access is proposed off Tannery Lane to serve the proposed development, constructed approximately 75m north-east of the existing access. The existing access will be retained to serve the western half of the site which will remain in agricultural use.

The speed limit on Tannery Lane at the location of the proposed new access is 30 mph. The County Highway Authority required the applicant to undertake a speed survey to show the actual speed of vehicles on Tannery Lane in order to determine the required visibility at the proposed access. The 85th percentile speed of vehicles on Tannery Lane was 30.9mph and 29.1mph South of the proposed access and 25.9mph and 23.7mph at the North of the proposed access. The maximum required visibility for vehicles of this speed would be approximately 45m; the achievable visibility in both directions (82m and 174m) at the proposed access is in excess of this. Visibility from the proposed access onto Tannery Lane is therefore sufficient.

There are no pavements along Tannery Lane in the vicinity of the application site. Following concerns raised by the CHO regarding the lack of a pedestrian access to the site, the applicant has agreed to provide a pedestrian / cycle link from the proposed development (through the application site) to Wharf Lane. This has been shown on an indicative plan as running along the southern edge of the application site to the south western corner which will link directly with Wharf Lane which in turn links to Send Road. This will provide safe access for all to the facilities on Send Road, resulting in a positive improvement to pedestrian access and safety along Tannery Lane. In addition it will encourage users on the site to walk or cycle to nearby facilities instead of using the private vehicle, therefore making the development more sustainable. It is recommended that the provision of this pedestrian / cycle link is secured by way of condition.

Concern has been raised by residents and other third parties regarding the requirement for lighting along this proposed link and the potential impact on neighbouring amenity and wildlife. The suggested condition will include a requirement for the details of lighting to be submitted for approval by the LPA. There are technologies available that would allow for movement sensors to be fitted to any lighting. This would minimise any adverse impact.

#### *Parking provision*

A Ministerial Statement from March 2015 states 'local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.'

The application proposes the provision of 57 parking spaces (inc. 4 disabled spaces) to serve the proposed development.

The applicant has used a comparison with the level of parking provision on existing canal basin sites to determine the required level of parking. The CHA consider this to be a satisfactory method for determining the requirement

If parking were to be provided in accordance with Guildford Borough Council's parking standards there would be insufficient parking spaces for proposed users, resulting in overspill onto Tannery Lane which, particularly near the proposed access, is an unsuitable location for on-street parking. The justification for the level of parking is therefore satisfactory and the parking being provided will be sufficient.

The County Highway Authority has assessed the likely net additional traffic generation, access arrangements and parking provision, and has no objection to the proposal subject to conditions and securing suitable mitigation measures by condition.

#### Impact on neighbouring amenity

The nearest residential properties to the site are located in Wharf Lane to the west and Maybankes and Heath Farm to the south, together with adjacent residential properties further west along Tannery Lane. Clockbarn Nurseries (currently in B1 use) adjoins the southern boundary of the application site and sits between the site and residential properties at Maybankes and Heath Farm. The southern and western boundaries consist of tree and hedge planting. Whilst this provides some screening, the application site is visible to the neighbouring properties. Existing tree planting along the western edge of the site is to be enhanced with additional scattered tree planting as part of the proposal.

As a result of the proposed siting of the basin and associated buildings and parking towards the eastern side of the site, a minimum separation distance of 170 metres will be retained between the location of the proposed basin and the nearest property in Wharf Lane to the west. A minimum separation distance of 130 metres will be retained between the basin, buildings and parking area and the nearest residential properties in Tannery Lane (Maybankes and Heath Farm). Given the separation distances, the proposed basin and associated buildings and parking, will not result in any adverse loss of amenity to neighbouring residents in terms of any loss of light, overbearing impact or loss of privacy.

The proposal also includes the regrading of the existing ground levels on the western half of the site (through the use of the excavated material). The use of this part of the site is to remain as agricultural. The maximum change in ground levels at any point is 2 metres. This change in levels will not result in any adverse amenity impacts to neighbouring residents. The concerns raised with regard to flood risk and ground contamination are discussed below.

The main concern is with regard to the impact of the proposal in terms of noise and disturbance from the construction works. Volume 6 of the Environmental Statement addresses noise impacts. The Council's Environmental Health Officer considers that the noise report is satisfactory and adequately addresses noise issues. It is considered that the Control of Pollution Act 1974 gives sufficient powers in controlling potential nuisance both associated with the construction phase and the developed phase. A draft Construction Environmental Management Plan (CEMP) is included with the Environmental Statement and sets out the main methods for controlling noise from construction. The provision of a final document for approval by the LPA, which accords with the approach set out within the Environmental Statement is recommended to be secured by condition. It is therefore considered that, with the imposition of conditions requiring the Construction Environmental Management Plan to be submitted for approval and implemented during the course of development, together with the control (both during and post construction) provided by the Control of Pollution Act 1974, the proposal will not result in unacceptable noise or nuisance impacts to neighbouring residents.

The impact of the provision of a pedestrian link (as requested by the CHA) along the southern edge of the field linking in with Wharf Lane on neighbouring amenity has been considered. It is considered that given the nature of the proposed development, the level of use of this link will be relatively low and will not cause adverse noise or disturbance to neighbouring residents. A condition is recommended to ensure that details for any required lighting along the link are submitted for approval to ensure that any lighting is low level and controlled by movement sensors. This will ensure there will be no adverse impact to neighbours resulting from proposed lighting.

As such, subject to the recommended conditions, the proposal would comply with saved local plan policy G1(3) and the NPPF.

#### Flooding and land drainage

The application site is located within Flood Zone 1 (low probability). This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) which can be classified as having a low risk of fluvial flooding.

The land on the opposite side of the Wey Navigation is designated as an Area of Floodplain. However, this does not form part of the application site and will not be affected by the proposed development.

According to the NPPF, all forms of development are suitable within Flood Zone 1. In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.

For development proposals on sites of more than one hectare, the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a Flood Risk Assessment (FRA).

In accordance with the requirements of the NPPF, the applicant submitted a Flood Risk Assessment (FRA) with the planning application. The Environment Agency, the Council's Drainage Consultant (Stilwell Partnership) and the Council's Principal Drainage Engineer have concluded that the submitted FRA is acceptable and meets the requirements of the NPPF. However, the consultees did recommend the provision of a Drainage Strategy. Following this recommendation, the applicant submitted a Drainage Strategy (contained in the Clarification Document received 18 June 2015).

The proposed Drainage Strategy includes the following measures for mitigating flood and ground contamination risk:

- permeable surfacing is proposed for all hard standing areas , to allow water to infiltrate into the surface so that it reaches the watercourses or other receptors more slowly. The system has also been designed to retain surface water at the surface to avoid potential interaction with ground water. The permeable surfacing will be designed with an impermeable membrane to avoid interaction with ground water and to discharge directly into the balancing pond. A layer of stone within the surfacing and voids will provide additional storage capacity to contain surface water.
- The capacity of the proposed attenuation pond will be sufficient to take account of the potential increase in required storage volume (not included the further increase storage provided by the voids in the sub-base).
- Much of the change in the topography serves to flatten the surface, slowing the rate of surface water movement over the soil and increasing the potential for infiltration.
- In the small areas where the gradient is being steepened, the slopes will be managed as rough grassland habitat, with vegetation allowed to grow longer. This will increase rainfall interception, slow the passage of surface water, increase potential for infiltration and increase the extent and duration of evapo-transpiration reducing soil moisture levels. The root systems will also bind the soil, preventing erosion which can clog downstream flow paths and lead to localised flooding.
- The boundary ditches of the site will be deepened and cleared to increase their capacity.
- The micro-topography of the slopes will also be shaped and managed to ensure runoff is directed towards the SUDS features.
- Construction methodology will ensure that soil compaction is minimised from vehicle and foot traffic.
- three ponds are proposed on the site, two primarily with attenuation function, one primarily with an ecological / amenity function.
- the attenuation ponds will be lined in order to ensure that interactions with groundwater that may contain elevated levels of contaminants are avoided.

- road drainage currently connects directly, via a piped system, to the Wey Navigations, with no interaction with the site. This separation of road drainage and site drainage also ensures that runoff from Prews Farm, which may have elevated levels of contaminants, is kept separate from the site and does not create a pollutant pathway from Prews Farm to the Wey Navigations.
- throughout the operation of the basin, a site manager or deputy will be present at all times. They will have responsibility for monitoring drainage.

The strategy concludes that the information regarding road drainage, and the adjustment of the site design to slow the flow of water over the surface and increase the capacity of boundary ditches and the drainage ponds mean that the proposal could not increase flood risk.

Following this submission and subsequent assessment by the Council's Drainage Consultant (Stilwell Partnership) they concluded:

- The concept of tanked permeable systems with a positive outfall is acceptable as previously discussed with the applicant and the details presented are acceptable
- The remodelling and consultation regarding the run-off rate is acceptable and the applicant has gone to a good level of detail to establish the potential run-off rate.
- The pond strategy is acceptable for the development and the recommendation to restrict the flow prior to the marina has been implemented.
- It is accepted that all water within the site will be contained with the upgrading of the perimeter ditches. This approach is acceptable.
- The strategy for exceedance flows is acceptable.
- The strategy for maintenance is acceptable.

Both the Council's Consultant Drainage Engineers (Stillwell Partnership) have advised that the development is acceptable, in principle, subject to the development being carried out in accordance with the submitted FRA and Drainage Strategy. The Council's drainage engineer agrees Stillwell Partnership's conclusions and the Environment Agency and Thames Water have raised no objections subject to the imposition of conditions. Therefore, with conditions attached requiring the implementation of the FRA, Drainage Strategy, Landscape Management Plan and Construction Environmental Management Plan, the impact of the development is acceptable, and accords with policy G1(7) of the saved local plan and the requirements of the NPPF (Chapter 10).

#### Ground contamination

The site is a former sand quarry. It is understood that the site was infilled with natural silts and sands excavated during the formation of the adjacent Prew's Farm Landfill as part of the void extension works. Anecdotal information indicates that the site has been infilled with local natural re-worked material.

An intrusive site investigation has been carried out across the site (as detailed in the report from HyrdroGeo Ltd contained in Volume 5 of the Environmental Statement). The site investigation comprised the advancement of 16 no. trial pits and collection and analysis of 32no. soil samples for inorganic and organic determinants. A further 8 no. soil samples were obtained to analyse leachate concentrations within the shallow soils. An assessment has been made on the potential risk to human health from contamination within shallow soils by screening against available residential soil guideline values (SGV) and Generic Acceptance Criteria (GAC) as a first pass screening exercise. The report concludes that the potential risk to human health is considered to be low based on the redevelopment of the site for commercial use and low levels of determinants identified across the site.

The report concludes that based upon an initial screening assessment and the assumption that this site will be constructed in accordance with current best environmental practice that there is a low risk that contamination in shallow soils would pose a risk to human health or controlled waters.

The Council's Environmental Health Officer and the Environment Agency's Land Contamination and Groundwater Protection Team have confirmed they have no objection to the proposed development, subject to recommended conditions. The Contamination Investigation Work to date has not shown the site to be significantly contaminated. It is noted that groundwater beneath the site itself has not been sampled to date. The recommended conditions require further site investigation, to include site groundwater sampling, prior to commencement of development and during the construction of the marina in case contaminants move onto the site during dewatering / excavation works. Monitoring of ground water and surface water should be included as part of the validation works to confirm there has been no impact. A condition is also recommended to ensure that if any contamination is found appropriate remediation works are carried out.

In addition, the submitted Drainage Strategy confirms that all permeable paving systems and ponds will be lined to prevent any interaction with the ground water table. As noted above, the implementation of the Drainage Strategy is also recommended to be secured by condition.

With the recommended conditions in place, the impact of the development is acceptable and does not pose unacceptable risks to human health. The proposal therefore accords with Policy G1(11) of the saved Local Plan and Chapter 11 of the NPPF.

### Ecology

The presence of protected species is a material planning consideration, which must be addressed prior to any permission being granted.

The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

NPPF paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused and that opportunities to incorporate biodiversity in and around developments should be encouraged.

Furthermore, Article 10 of the Habitats Directive stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change.

Circular 06/2005 (Biodiversity and Geographical Conservation - Statutory Obligations and Their Impact Within the Planning System) states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted otherwise all relevant material considerations may not have been addressed...".

The Natural Environment and Rural Communities (NERC) Act (2006)(Section 40) states, "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40(3) also states that, "conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat".

An initial Extended Phase 1 Habitat Survey was undertaken on 8 February 2012 and updated in October 2012. A further Extended Phase 1 Survey was undertaken on 15 July 2014. The following surveys were carried out:

River Corridor Survey  
Tree Survey  
Badger Survey  
Amphibian Assessment  
Reptile Assessment  
Bat Tree Assessment  
Birds  
Invertebrates  
Otter and Water Vole Surveys

The survey findings and detailed assessments are set out within the ES Chapter on Ecology. These are summarised as follows:

#### Bats

- The boundaries of the site offer suitable habitat for foraging and commuting bats.
- Foraging habitat is also available on land to the south west associated with the former nursery.
- The Wey Navigations provides the best foraging opportunities for bats.
- Building roosts may be present within houses associated with land beyond the western site boundary.
- The majority of trees within the site were assessed as having negligible potential for roosting bats, as they are not sufficiently mature to have developed features that may be used by roosting or hibernating bats.
- A very small number of trees along the boundary of the site adjacent to the River Wey Navigations contain features that limited potential to support roosting bats and one tree has a number of cavities.

### Badgers

- The arable land offers suitable foraging habitat for badgers as part of the surrounding landscape, with hedgerows and scrub providing cover for setts.
- No badger setts or evidence of badger activity was observed within the site or immediately adjacent land during any of the surveys over a 2 year period.

### Amphibians

- There is no suitable breeding habitat for great crested newt within the Site boundary or within 250m of the proposed developed part of the site (i.e. canal basin, roads, buildings or other development infrastructure).
- A search of available mapping indicates that two ponds are located approximately 190m and 110m west of the site boundary. No records for great crested newt at this location have been identified from the desk study. The presence of residential housing and minor road between the ponds and the site are likely to reduce the opportunities for amphibian species to access habitats within the site.
- The Wey Navigations contains an established fish population that is likely to limit the potential for successful great crested newt breeding due to fish predation on eggs and larvae.
- The majority of terrestrial habitat within the site is unsuitable habitat for great crested newt, terrestrial habitat opportunities being limited to the boundary features including hedgerows, trees and scrub and rank grassland. These habitats would be retained by the development.

### Reptiles

- The majority of the Site, dominated by arable land is unsuitable for common reptiles.
- No reptiles were observed basking during any of the numerous visits made to the Site between 2012 and 2014 inclusive.

### Birds

- The majority of the site provides very limited habitat opportunities for breeding birds as arable crops dominate (cabbages, maize etc). However, the site is likely to support an assemblage of common woodland and farmland species, including some Species of Principal Importance (SoPIs) such as dunnock and bullfinch which may use the hedgerows, scrub and trees associated with the site boundary for nesting, although the diversity of nesting niches in the hedgerow are considered to be limited by the low species diversity.
- other supporting habitats important for farmland species such as grassy buffers which may provide additional foraging and cover for farmland species are poorly represented within the Site.
- The banks of the Wey Navigation may support nesting waterfowl such as coot *Fulicra atra* and moorhen, and reed habitat is likely to support breeding reed bunting, whilst there is potential for some SoPIs, such as kingfisher *Alcedo atthis* to be present.
- The habitats within the Site and adjacent off-site land are therefore not considered to be suitable to support the species for which the Thames Basin Heaths SPA (located approx 4.5km away) is designated, including nightjar, Dartford Warbler and woodlark..



#### Otter and water vole

- along the Site boundary and to either side of it, the northern bankside offers features known to be used by water vole, given they are largely constructed of earth and vegetated with dense tall rural and reed habitat, which offer both foraging habitat and cover.
- The southern banksides are largely suboptimal habitat for water vole, being subject to dense shading from overhanging trees and with little suitable vegetation present, although some short stretches do support suitable vegetation for water vole. - Despite these features being present no signs of this species were recorded in 2012 or in 2014.
- The Wey Navigations adjacent to the Site provides suitable foraging and commuting habitat for otter, and land adjacent to the north such as dense willow scrub and tall rural mosaic habitat may provide potential lying up sites.- Despite these features being present no signs of this species were recorded in 2012 or in 2014.
- Terrestrial habitats associated with the Site are considered to offer negligible potential for the species to use as lying up sites, etc, due to a lack of suitable cover and habitat features.

A theoretical assessment of potential environmental changes and effects that may occur as a result of the development proposal has been completed. A schedule of all proposed ecological mitigation and enhancement measures associated with the development is included within the Volume 3 of the ES. These are aimed at delivering long-term net biodiversity gain. A landscape drawing for the site is included, showing retained and newly created areas of seminatural habitat, and habitat enhancement features. The ES states that 'one of the overriding aims for the site has been to maximise the value of the site for biodiversity and this will be achieved through the retention and enhancement of existing habitats and the creation of new habitat areas (including Priority habitats listed in the Surrey Biodiversity Action Plan) appropriate to the local area, including the following:

Wetland (including three ponds)  
Species-rich neutral grassland  
Woodland and scrub  
Arable field margins  
Hedgerows'

Management measures have also been identified that would be required to maintain the efficacy of the mitigation and enhancement measures, together with monitoring of these elements. The ES also confirms that a Landscape and Ecological Management Plan will be developed for the area subject to the development proposals and will be designed to deliver targets within the Surrey Biodiversity Action Plan. Information contained within this document will include the following:

- A management rationale together with key objectives for each target habitat and species;
- Details of the biodiversity mitigation measures to be implemented in advance of and during construction;
- Full details of the initial habitat enhancement/ creation measures to be implemented during the initial construction phases;
- Detailed management measures and procedures required to achieve these objectives over a 10 year programme;
- Monitoring protocols; and
- A programme/ timetable for undertaking this work.

The Environment Agency has confirmed that they have no objection in terms of the impact on biodiversity and they particularly welcome the commitment to the long-term management of the site, as this will ensure the continued biodiversity interest of the enhanced and newly created habitats.

The application site is in close proximity to Papercourt SSSI and Basingstoke Canal SSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

The site is also adjacent to the Broadmead Cut and Wey Navigation at Send SNCI (locally designated). Surrey Wildlife Trust (SWT) has not objected to the application, subject to a requirement that the applicant is required to undertake the mitigation measures relating to Protected Species and biodiversity enhancement measures set out in the Environmental Statement. SWT also notes that a draft Construction Environmental Management Plan (CEMP) has been prepared which should help avoid adverse impacts from the construction phase of the development.

The proposed measures to restore or enhance biodiversity are in line with the NPPF and will assist the Local Authority in meeting their duty under NERC and also help offset any localised harm to biodiversity caused by the development process.

### *Lighting*

Following comments from Natural England regarding lighting, a Lighting Strategy has been put together and submitted. This confirms that non-essential lighting is to be avoided. There will be no exterior floodlighting mounted at height. For Health and Safety reasons, the pontoons and external areas of the buildings and parking areas must be illuminated when in use. The strategy recommends the use of movement sensors for the pontoon lighting which would consist of small linear LED strips flush mounted in paving. The movement sensors should be designed so that they only switch on in the presence of humans and are not inadvertently set off by smaller animals such as foxes, domestic cats and dogs etc. For the car parking and external circulation areas around the buildings the use of bollards with fully cut-off light distribution to avoid any upward light pollution.

With regard to minimising the ecological impacts from lighting, it is important to maintain dark corridors for bat foraging and commuting. The main obstacles for bats are caused by high mounted, unbroken lines of light which operate continuously over long periods of time. It is considered that the proposed lighting overcomes these obstacles.

A condition is recommended to ensure that the proposal is carried out in accordance with the submitted lighting strategy. The lighting details for the proposed pedestrian / cycle link across the southern edge of the site will be dealt by way of a separate condition relating to the provision of the pedestrian link. It is considered that the use of low level movement sensor lighting would also be a requirement for the proposed link to ensure no adverse ecological impacts.

It is therefore considered that, with the imposition of conditions requiring the recommended mitigation and enhancement measures to be carried out, together with conditions to ensure that the proposed Landscape and Ecological Management Plan and Construction Environmental Management Plan are submitted for approval and implemented during the course of development, the impact on ecology is acceptable. The proposal would comply with saved local plan policies NE2, NE3 and NE4 and the NPPF.

Furthermore, the proposal will also result in a valuable enhancements to biodiversity within the site and surroundings, in accordance with Para 118 of the NPPF and the requirements of the NERC Act. This is considered to be a benefit of the proposals which should be afforded significant weight.

#### Trees and vegetation

The Council's Arboricultural Consultant has no objection to the proposals. Whilst the proposal does include the removal of some trees, mainly within the existing tree belt, to allow for the connection between the proposed basin and the existing waterway, there are no trees of any particular merit and many are in a declining condition. It is considered that the proposed replanting will adequately compensate for any trees that require removal. It is recommended that an Arboricultural Method Statement is required by condition. Subject to this, the proposal accords with policy NE5 of the saved Local Plan.

#### Archaeology

The site is over the 0.4 ha size specified in the Guildford Local Plan as requiring archaeological assessment and possibly evaluation prior to development. The application is supported by an Environmental Statement that contains a chapter dealing with the Historic Environment. This chapter is informed by a desk based archaeological assessment produced by Wessex Archaeology that forms the first stage of the archaeological scheme of work necessary to safeguard any Archaeological Assets that may be present on the site.

The assessment states that 'there is an archaeological interest within the western and northern parts of the site, as the eastern part is known to have been subject to sand quarrying. This interest is defined as comprising the potential for the presence of buried archaeological remains, especially related to the construction and operation of the Wey Navigation and associated activities, such as the wharf at High Bridge. The presence of finds or sites of Romano-British or prehistoric date within the site also cannot be excluded'.

It is clear therefore that as there is an identified potential for archaeological remains to be present then further investigations will be required in order that the nature, extent and importance of any remains can be properly assessed and an appropriate mitigation response devised. The County Archaeological Officer has advised that in order to make a more informed decision on the nature of any required mitigation works it will be necessary to carry out a detailed archaeological evaluation of the site. However, due to the fact that the site has been disturbed to some extent by the existing development and the fact that remains of national importance worthy of preservation in situ are unlikely to be present, the County Archaeological Officer has advised that in this case it would be reasonable to secure the required programme of archaeological works by the use of a suggested condition should planning consent be granted.

Subject to the imposition of the recommended condition, the proposed development would not have an adverse impact on the archaeological importance of the site. This would meet the requirements of the NPPF (Chapter 12).

### Sustainable design and construction

The proposal incorporates a number of sustainability measures, including incorporating energy efficiency of buildings above building regulations, reducing energy demand, solar gains, rainwater harvesting and re-use and the use of Air Source Heat Pumps to provide heating and hot water requirements. A 10% reduction in carbon emissions and a requirement for the proposed development to meet a BREEAM rating of Very Good, as required by the Council's SPD on Design and Construction, will be secured by condition.

### 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 an residential unit (comprising the manager's flat), in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2009-2016 (February 2010). 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 S106 agreement is required to ensure that the additional residential unit proposed by this development will 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 relates to the number of residential units and number of bedrooms proposed.

As such, the requirement for the S106 agreement meets the three tests set out above.

### Thames Basin Heaths Special Protection Area

1 residential unit is proposed (1 x 1 bed manager's flat). The Council's adopted Thames Basin Heaths SPA (TBHSPA) Avoidance Strategy 2009 - 2016 requires a Suitable Alternative Natural Green Space (SANG) contribution and an Access Management contribution to avoid any adverse impact on the SPA.

The SANG avoidance site will be determined at the time of, or following payment of contribution. A planning obligation is required in accordance with the terms of the Strategy. Subject to this there will be no adverse impact on the Thames Basin Heaths SPA. A planning obligation is required in accordance with the terms of the Strategy.

A SANG contribution of £3,487.09 and an SPA access management and monitoring contribution of £565.63 is required.

'Very Special Circumstances' - Balancing exercise

The site is within the Green Belt. NPPF Para 88 states that “inappropriate development is by definition harmful to Green Belt and should not be approved except in very special circumstances. Para 88 goes on to state that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' The Council is required to consider all relevant material planning considerations before reaching a decision. However, it is for the Council as the decision maker to determine the level of weight to be afforded a particular matter when balancing harm against the benefits.

The only harm identified is the inherent harm to the Green Belt by way of inappropriateness resulting from the change of use of the land and the moderate harm to openness resulting from the proposed buildings.

The modest scale and sensitive design of the proposed development and associated landscaping, would ensure that there would not be an adverse impact on the character of the area or wider landscape. It is also concluded that the proposal will preserve and positively enhance the setting of the Wey Navigation Conservation Area. All other potentially harmful impacts, such as on flooding and drainage, ground contamination risks, highway movement and safety, protected species, archaeology and neighbouring amenity have been carefully considered, and with the imposition of suitable conditions, any harm can be successfully mitigated against. The relevant statutory consultees, including Natural England, Environment Agency, Surrey Wildlife Trust and Surrey County Council, have been consulted and have indicated that they have no objections to the principle of development. It should be noted that these matters do not constitute planning benefits to be outweighed against the Green Belt harm, they simply do not add to the negative impacts of the proposals.

The benefits of the development are summarised as follows:

- the provision of a new outdoor recreation facility in a sustainable location to meet an identified need for narrowboat moorings and associated services and facilities, which will promote and support the recreational use of the Wey Navigation and promote tourism within the Borough
- it is acknowledged that given the constraints within the Borough it is highly likely that a facility such as this would need to be located within the Green Belt even in another location. It is also possible that another location would bring with it further planning issues
- enhancements to biodiversity, within the site and along the Wey Navigation, resulting from the creation of new habitats and the removal of on-line moorings
- significant improvements to the setting and visual amenity of the Wey Navigation Conservation Area, resulting from the removal of on-line moorings along the Wey Navigation
- the sympathetic design of the proposed development which will result in a positive addition to the riverside setting.
- protection and enhancement of the natural environment
- provision of a pedestrian link within site, resulting in positive improvement to pedestrian safety along Tannery Lane
- highways improvement to widen Tannery Lane, resulting in positive improvement to highway safety

It is acknowledged that harm to the Green Belt must be given substantial weight. However, having taken into account all of the relevant considerations, it is concluded that the significant benefits identified do amount, when taken together, to Very Special Circumstances which outweighs the harm to the Green Belt.

The proposed development is therefore considered to be in accordance with the aforementioned policies of the saved Local Plan and the NPPF.

**RECOMMENDATION:**

**(i) Subject to the completion of a Section 106 Legal Agreement to secure:**

- **SANG and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
'Application Site Plan', 11193-P05Y, P002, P003, P010, P101, P102, P110, P111, 7553\_S1\_3\_1/C, 2013/1948/003/C (RGP), 14-2381-101/P1, 14-2381-102/P1, 14-2381-103/P1, 14-2381-104/P1, 7266\_B\_1/B, and the following accompanying documents:

Planning Support Statement (Johns Associates)  
Design and Access Statement (Johns Associates)  
Transport Statement (RGP) (November 2014)  
Flood Risk Assessment (Johns Associates)  
Statement of Community Involvement (Johns Associates)  
Draft Construction Management Plan (Johns Associates) (December 2014)  
Tree Survey and Implications Assessment (Woodland and Countryside Management LTD) (November 2012)  
Environmental Statement Volumes 1 to 9 (Johns Associates)

received on 11 December 2014, and the following additional documents:

Revised Non-Technical Summary (to Environmental Statement) (Johns Associates) received on 21 May 2015  
Clarification Document (Johns Associates) received on 18 June 2015

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

3. The development shall be carried out in strict accordance with the agreed Flood Risk Assessment Cartridge Basin: A new marina for the River Wey, Send, Surrey, dated December 2014 and Drainage Strategy (from Johns Associates Environmental Consultants) June 2015 (included in the Clarification Document received 18 June 2015).

Reason: To ensure that flood risk is not increased onsite or elsewhere.

4. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include all of the elements recommended in Volume 3: Ecology, of the Environmental Statement and in Drawing No. 7553\_S1\_3\_1 Rev. C – Landscape/Ecology Proposals. This should include details of how the habitats will be managed and maintained over the long-term.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. It is considered necessary for this to be a pre-commencement condition because the implementation of a satisfactory landscape management plan goes to the heart of the planning permission.

5. No development shall take place until a method statement or construction environmental management plan (that is in accordance with the approach outlined in the Environmental Statement) has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise environmental impact of the works, including potential disturbance
- Any necessary pollution protection methods
- Any necessary mitigation for protected species
- Construction methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to protect residents from noise and disturbance during the construction period. It is considered necessary for this to be a pre-commencement condition because the implementation of a satisfactory construction environmental management plan goes to the heart of the planning permission.

6. The development hereby approved shall not be commenced unless and until the proposed vehicular access to Tannery Lane has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 2013/1948/003, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the provision of a satisfactory vehicular access goes to the heart of the planning permission.

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, Drawing No. 11193-P05, 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 /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.

8. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am and 17.00 and 18.00 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, on Send Road or Tannery Lane during these times
- (k) on-site turning for construction vehicles



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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the provision of a satisfactory Construction Transport Management Plan goes to the heart of the planning permission.

9. Prior to first use of the approved development a scheme for a pedestrian/cycle link from the proposed site to Wharf Lane shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link should be 3 metres wide, consist of a bound surface suitable for all year round usage and have low level lighting. The approved details shall be implemented prior to the first operation of the use.

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

10. Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to widen the carriageway to the south of the proposed development (approximately 210 metres from the proposed access near Heath Farm) to a width of 4.8 metres. The works shall be carried out in accordance with the approved details prior to the first operation of the approved use.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. It is considered necessary for this to be a pre-commencement condition because the provision of these highway improvements to Tannery Lane goes to the heart of the planning permission.

11. Prior to the commencement of development, a detailed site investigation must be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and must include relevant sub-surface, soil gas, surface water and groundwater sampling together with the results of analysis and a risk assessment to any receptors will be detailed. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and adjacent land are minimised, together with those to controlled waters and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. It is considered necessary for this to be a pre-commencement condition as the carrying out of a detailed site investigation goes to the heart of the planning permission and needs to be undertaken prior to development works commencing.

12. Any remediation scheme submitted in accordance with Condition 11 (above) shall be carried out as detailed in the applicants submission. Documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

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

13. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the agreed scheme.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development. It is considered necessary for this to be a pre-commencement condition as the carrying out of an archaeological investigation goes to the heart of the planning permission and needs to be undertaken prior to development works commencing.

14. No development shall take place until details and samples of the proposed external facing and roofing materials and external surface 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 development is satisfactory. It is considered necessary for this to be a pre-commencement condition as the use of satisfactory external materials goes to the heart of the planning permission.

15. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the

local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition as the protection of the existing trees on site goes to the heart of the planning permission.

16. 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.

17. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Section 7.3 / Table 7.1 of Johns Associates Environmental Statement: Volume 3 - Ecology dated 2014.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

18. The development hereby approved shall be carried out in accordance with the 'Lighting impact assessment of proposed exterior lighting at Cartbridge Basin' from Alan Tulla Lighting dated 12 June 2015 (contained within the Clarification Document from Johns Associates received 18 June 2015).

Reason: To protect against any adverse visual or ecological impact.

19. Prior to the first occupation of the development hereby permitted, an energy assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site / development and show the on-site measure(s) to be taken and feasible renewable energy equipment to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources above and beyond the current Building Regulations. The final total annual energy demand calculated should include energy use for all end uses known to be present or to be provided including:• Space heating and hot water• Gas and/or electric catering• Refrigeration/cooling• Fans, pumps and controls• Humidification• Lighting and office equipment• and communications equipment • Other miscellaneous electricity. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To optimise renewable energy and its conservation.

20. Prior to the first occupation of the development hereby permitted, a certificate of compliance from an accredited assessor confirming that the development has achieved a BREEAM rating of Very Good shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.

21. No development shall take place until details for the storage of waste on the premises, including the design and position of storage facilities for bins and recycling have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.

Reason: In the interests of visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development. It is considered necessary for this to be a pre-commencement condition as the provision of satisfactory waste storage facilities goes to the heart of the planning permission.

22. The narrowboat moorings hereby approved shall only be used as recreational moorings and shall not at any time be used as residential moorings.

Reason: In granting this permission the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

23. The occupation of the one bedroom flat hereby permitted shall be limited to a person employed as the manager of the narrowboat basin facility and to any resident dependants.

Reason: The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwelling is intended to serve the needs of the proposed recreation facility.

**Informatives:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:

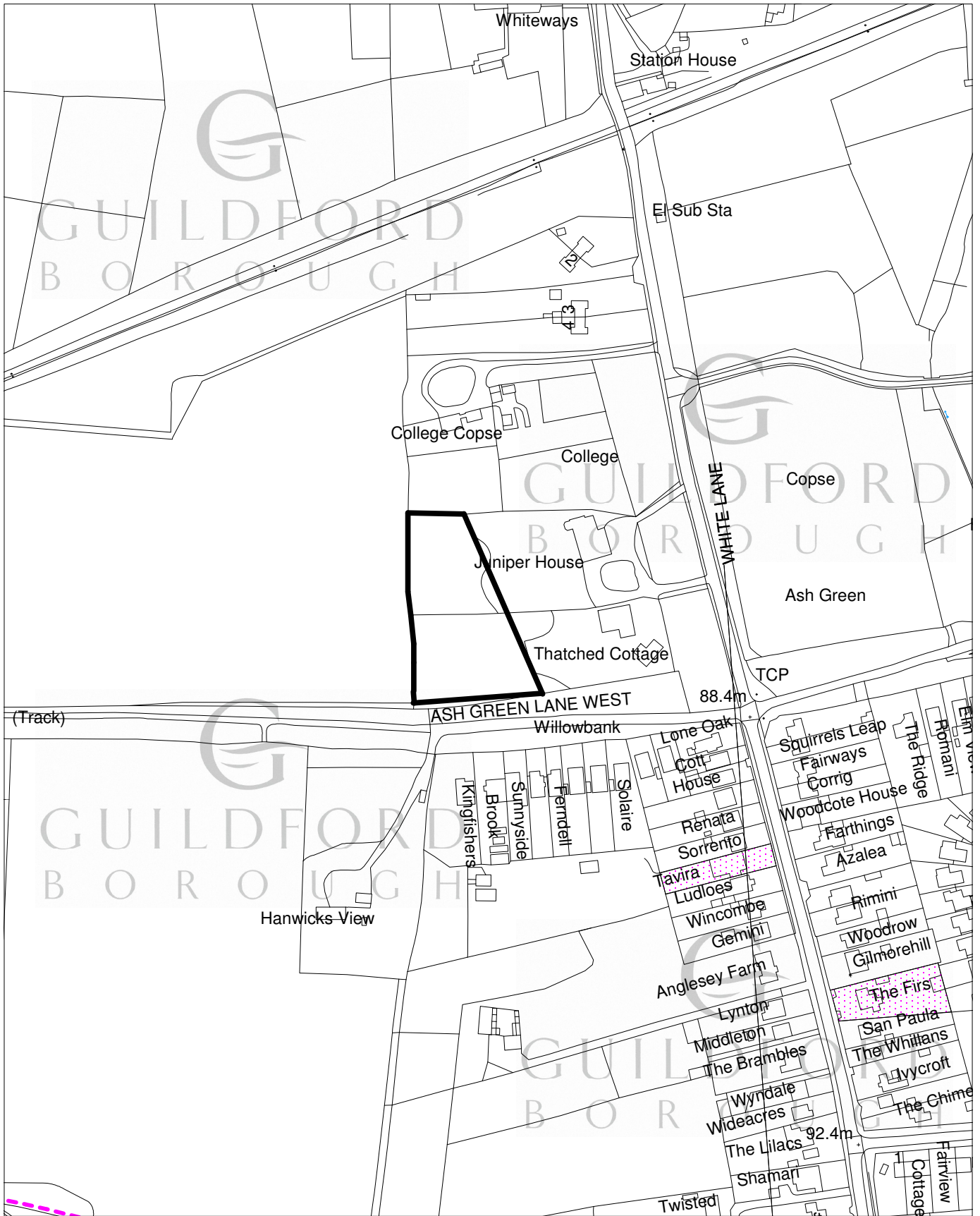
- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant entered into pre application discussion and submitted the scheme that was agreed. No further changes were sought throughout the application process.

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. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
4. 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/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)
5. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
6. There shall be no burning of waste on site.
7. 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.

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# 14/P/02403 Juniper House, White Lane, Ash



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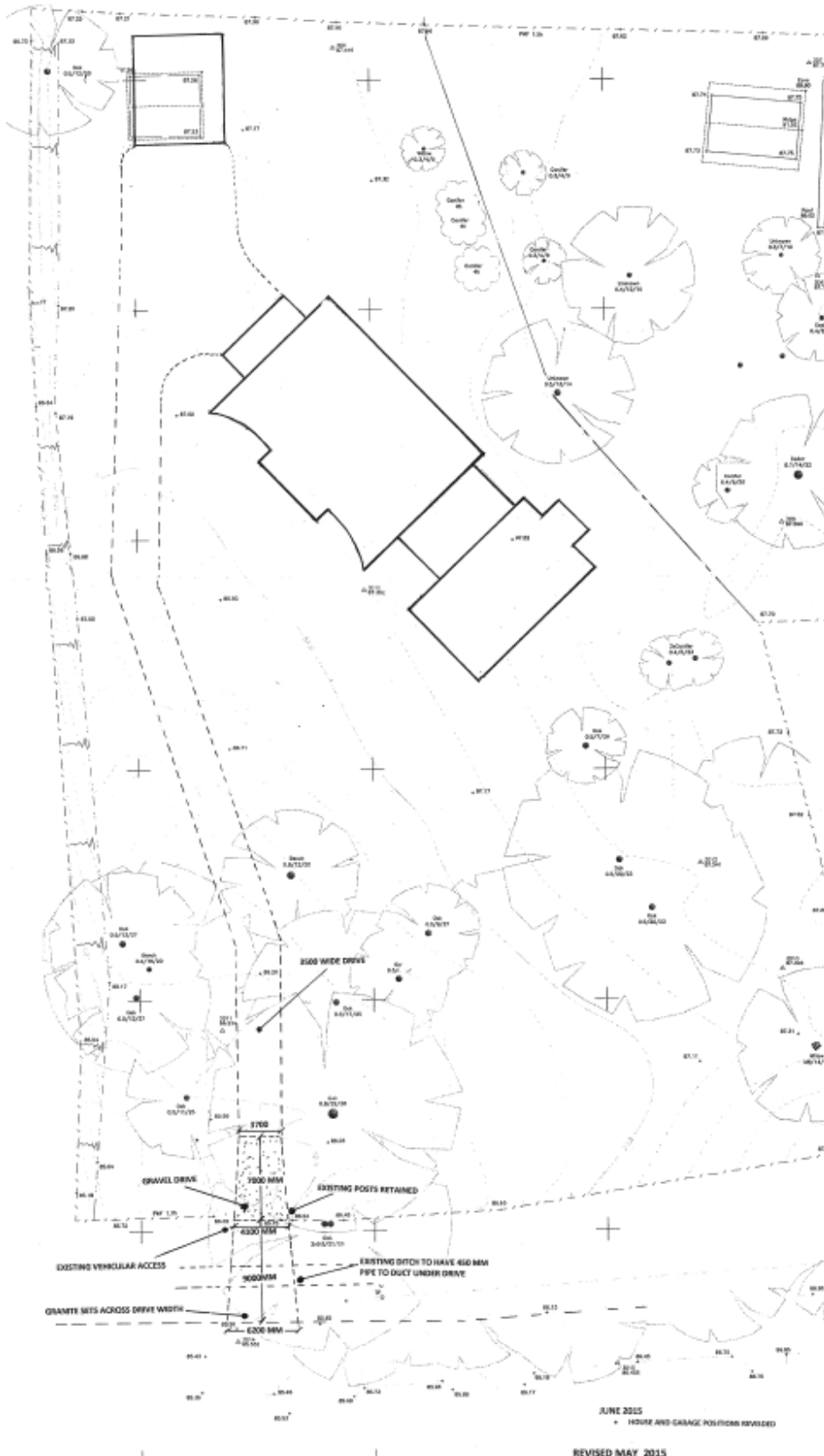
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Not To Scale



14/P/02403 Juniper House, White Lane, Ash



Not to scale





**App No:** 14/P/02403      **Type:** F      **8 Wk Deadline:** 16/02/2015  
**Appn Type:** Full Application  
**Case Officer:** Matthew Harding  
**Parish:** Ash      **Ward:** Ash South & Tongham  
**Agent :** Mr Templeman      **Applicant:** Mr Rafferatti  
Suite 62      Juniper House  
35 High Street      White Lane  
Frimley      Ash  
Camberley, Surrey      Guildford, Surrey  
GU16 7JQ      GU12 6HJ

**Location:** Juniper House, White Lane, Ash, Guildford, GU12 6HJ  
**Proposal:** Proposed detached three bedroom dwelling with attached swimming pool and detached garage (additional information received on 26/05/2015 and amended plans received on 02/07/2015).

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.

**Site description.**

The site to which this application relates is located within land classified as Countryside Beyond the Green Belt (CBGB). The proposed dwelling is positioned on land to the rear (west) of Juniper House and Thatched Cottage, with the proposed access being achieved from Ash Green Lane West. The site is largely flat and is broadly wedge shaped with trees along all the site boundaries. The land itself is generally open.

**Proposal.**

Proposed detached two storey three bedroom dwelling, with attached swimming pool and detached garage (additional information received on 26/05/2015 and amended plans received on 02/07/2015).

The additional information relates to a new Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan. The amended plans detail a subtle re-positioning of the detached garage outside the root protection zone of the surrounding trees and a re-orientation of the proposed indoor swimming pool through 90 degrees.

Proposed dwelling

Height = 10.5m  
Depth = 14m  
Width = 31.5m  
Floor area = 715 square metres

Detached double garage

Height = 2.9m  
Depth = 9.7m  
Width = 7.5m  
Floor area = 73 square metres

Site area = 0.5ha.

On site parking spaces = 5+

(Officer note = the above dimensions are maximum external measurements and does not include the building's flat roof area).

**Relevant planning history.**

No previous planning history on the application site.

Neighbouring site - Land adjacent to College Copse, White Lane:

14/P/01394 - New dwelling house and garage, new driveway and access to site (as amended by plans received 27.10.2014). This application was approved, subject to conditions and a S.106 agreement on 04/12/2014.

**Consultations.**

Ash Parish Council: Objection, with the following observations:

- flat roofs not in keeping with Guildford Borough Councils design code [Officer note: this relates to residential extension, which advises against but does not prohibit their use. This application seeks permission for a new dwelling]; and
- concerns that proposed building would not be in keeping with surrounding area and properties.

Tree Consultant: no objections, subject to the details of the new Tree Survey and Arboricultural Statement and works to be carried out in accordance with this document.

County Highway Authority: no objection.

**Third party comments:**

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

- proposed dwelling is inappropriate and out of character with the area and neighbouring properties;
- building would be viewed from surrounding landscape and public bridle way, where the proposed large and predominantly glass building would be visible;
- highway and safety concerns as a result of increased traffic movements along the lane in close proximity of a bridle way;
- noise and disturbance during construction period [Officer note: a condition, if reasonable, could be applied to ensure there is no unacceptable noise and disturbance to the occupants of the neighbouring and surrounding properties outside of daytime hours during the construction phase, should permission be granted];
- overlooking and loss of privacy;
- loss of trees;
- light pollution;
- impact and disturbance to wildlife;
- the access to the site from Ash Green Lane West is not authorised and the land is not in the ownership of the applicant [Officer note: the proposed vehicular access / crossover is not from a classified road and matters of site ownership are not material planning considerations, where separate consent / permission may be required];
- previous applications for development on the land have been refused, nothing has really changed [Officer note: local and national planning policy / guidance has changed over the years, most recently with the publication of the NPPF in March 2012];
- removal / felling of trees protected by a TPO [Officer note: this has been subject of a separate investigation by the Council's Enforcement Team, whereby it was concluded that there was not clear evidence indicating that any trees protected by a TPO had been removed];

- loss of land for natural water soak away and therefore proposal would increase the risk of flooding [Officer note: this site is within Flood Zone 1 (low risk)]; and
- should permission be granted, the access to the site should be from White Lane and not Ash Green Lane West [Officer note: this application details the proposed access from Ash Green Lane West and this application must be considered on this basis].

Two letters of support have been received outlining the following positive comments:

- Ash Green needs high quality individual designed houses on infill site, rather than standard boxes on green field sites;
- village has limited facilities (shop, pub or school) and hence cannot support large scale developments;
- proposal offers an innovative design that would bring much needed character to the area
- site is screened from the public highway by mature trees should not cause any issues with the creative nature of the design;
- proposed dwelling has clean, simple line and will sit well on the plot; and
- proposal will enrich the variety of housing stock in Ash Green.

### **Planning policies.**

#### **National documents:**

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

Core planning principles

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 11. Conserving and enhancing the natural environment

##### **National Planning Policy Guidance (NPPG)**

#### **Regional policies:**

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

NRM6 - Thames Basin Heaths Special Protection Area

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

NRM6 Thames Basin Heath Special Protection Area

G1 General Standards of Development

G5 Design Code

RE4 Countryside Beyond The Green Belt

G6 Planning Benefits

NE4 Species Protection

NE5 Dev Affecting Trees, Hedges and Woodlands

#### **Supplementary planning documents:**

Sustainable Design and Construction SPD 2011

Planning Contributions SPD 2011

Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 - 2014

Residential Design Guide SPG 2004

Vehicle Parking Standards SPD 2006

Landscape Character Assessment

Surrey County Council Vehicular and Cycle Parking Guidance 2011

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on neighbouring amenity
- impact on trees and vegetation
- highway/parking considerations
- wildlife / ecology
- flooding / drainage
- legal agreement requirements
- sustainability

The principle of development

The application site is located within the Countryside Beyond the Green Belt (CBGB) as identified by the proposals map of the Local Plan. Policy RE4 of the Local Plan advises that development within CBGB will not be permitted except in a limited range of circumstances, which does not include residential development. It is a restrictive policy that seeks to reflect the controls which are applicable to Green Belt development. Policy RE4 is part of the Development Plan which is the starting point for decision-making; decisions should be in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a significant material consideration. Paragraph 215 of the NPPF makes clear that the weight to be given to local policies should be determined having regard to the degree of consistency with the Framework. The overriding objective of the NPPF is to deliver sustainable development and there is a clear presumption in favour of approving sustainable development. While the NPPF continues to give strong weight to the protection of the Green Belt such protection does not extend to other areas of countryside. The NPPF therefore draws a clear distinction between Green Belt land, which is to be protected and other countryside where the objective is one of recognising intrinsic character and beauty rather than an outright restriction on development. The presumption in favour of sustainable development applies equally to development in the countryside as it does in urban areas. Policy RE4, in so far as it restricts development, clearly does not accord with the NPPF and the weight to be attached to this policy is therefore reduced.

In addition to the above, it is noted that the Council has not identified a five-year housing land requirement or a five-year supply of housing as required by the NPPF. The saved policies of the Local Plan do not provide up to date allocations or identify an up to date housing requirement and it is noted that part of the role of CBGB is to provide for growth once urban sites have been exhausted. The restrictive nature of Policy RE4 is a contributing factor to the under delivery of housing.

Taking all of the above matters into account it is considered that Policy RE4 should be given very little weight in the determination of this application and that the Council should apply the presumption in favour of sustainable development on this site. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development. The site is located in a reasonably sustainable location within close walking distance of bus stops linking to the nearby urban centres.

The impact on the character of the area

The application site lies within a semi-rural area, with ribbon development patterns of residential properties forming essentially linear patterns of development along the respective access roads. The site access is sought off Ash Green Lane West and lies to the rear of two existing two storey properties fronting and accessed off White Lane. The majority of those properties along Ash Green Lane West are bungalows.

The proposal seeks permission for a detached two storey dwelling, with a semi-circular and inwardly curved frontage (facing south-west), roof terrace, single storey link attached indoor swimming pool and a detached double garage in the north-west corner of the site. The proposed building details an 'off white' rendered finish and glass and extensive glazing on the south-west elevation. The building is modern in design and appearance and notable in terms of its scale. However, there is no prevailing and overriding design characteristic in the area and the NPPF makes it clear (paragraph 59) that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation.

In addition, the building is set back from the site frontage, would be largely screened by existing mature vegetation and read in isolation rather than in the context of the neighbouring buildings. As such, although the building is contemporary and has a design that is different from those neighbouring properties, it would sit comfortably within the spacious plot and is not considered to have an adverse impact on the semi-rural character of the area. The proposal is therefore considered to comply with saved Local Plan policies G1 and G5 and the advice contained within the NPPF.

The impact on neighbouring amenity

The site is directly bordered by three residential sites: College Copse to the north and Juniper House and Thatched Cottage to the east. These properties are positioned between 50 and 80 metres away from the proposed dwelling, with mature boundary screening along the shared boundary lines. In addition to these direct neighbouring properties, there are a series of properties opposite and to the south of the site fronting Ash Green Lane West. There exists a belt of trees along the front (south) boundary of the site and these properties are positioned some 50 metres away from the proposed dwelling. Therefore, due to the separation distances, the proposed is not considered to result in any unacceptable loss of privacy or light to the occupants of the neighbouring and surrounding properties.

Lastly, it is appreciated that development operations are likely to cause a degree of noise and disturbance issues to the occupants of the neighbouring and surrounding properties. However, subject to recommended conditions, these levels are not considered to be unacceptable and the construction activities would be relatively short lived. As such, for the aforementioned reasons, the proposed development is considered to comply with policy G1 (3) of the saved Local Plan and the advice contained within the NPPF.

Impact on trees and vegetation

There are a number of significant trees on the site, with a TPO protecting a number of these trees. A full BS 5837:2012 assessment Trees in relation to design, demolition and construction has been completed and submitted with the application along side a method statement. The proposed site of the new house and proposed detached garage would be located outside the root protection areas of the nearest trees.

Also, the access has been positioned to avoid the major disturbance to root protection areas and the submitted information details a method statement outlining appropriate root protection methods that would be implemented during the development. This has been considered by the Council's Tree Consultant who has raised no objections, subject to the works being carried out in accordance with the updated Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan. On this basis and with a condition ensuring works are carried out in accordance with the information provided, the proposed development is not considered to have an adverse impact on the existing trees and additional vegetation on the site, in accordance with saved Local Plan policies G1 (12) and NE5, together with the advice contained within the NPPF.

#### Highway / parking considerations

The proposal for a new dwelling details access off Ash Green Lane West, a single lane made up road. There is presently a historic access in this location serving the site, however, it is believed this has presently been used very infrequently. The proposed dwelling and associated access would likely result in an increase of traffic movements along Ash Green Lane West and on exit into White Lane. However, the proposal is for a single three bedroom dwelling and the resultant increase in vehicular traffic movements would be modest. As such, the proposed development is not considered to have an adverse impact on highway safety, policy or capacity. Neither is the proposal considered to unduly impact on the health and safety of those users of the nearby Bridle Way. Furthermore, no objections have been received from the County Highway Authority.

The proposed new dwelling would provide a double garage and parking for a number of vehicles which exceeds the Council's parking standards and is satisfactory in this instance.

#### Wildlife / Ecology

A Phase 1 Ecological/ Habitat Survey was submitted with the application. No evidence of rare, protected or endangered species was found on the proposed development site during the survey. As such, the proposals are considered to be in accordance with policy NE4 of the saved Local Plan.

#### Flooding / drainage

With specific regard to drainage, surface water drainage is a known concern for local residents in this area. As the scheme will increase the amount of impermeable area on the site for surface water drainage it is considered reasonable to recommend a condition with this application requiring details of the arrangements for the disposal of surface water emanating from this development to reduce the likelihood of surface water flooding in the area, in accordance with policy G1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

#### Legal agreement requirements

The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 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 an additional residential unit, in order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2009-2014 (February 2010). This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the 2010 Habitats Regulations, a S106 agreement is required to ensure that the additional residential unit proposed by this development will 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 a result, the requirement for the S106 agreement meets the three tests set out above and the proposed development would be unacceptable in planning terms if no such contribution were secured.

The following SPA contributions are required in line with the Council's adopted avoidance strategy:

- Thames Basin Heaths Special Protection Area

The development, for one additional dwelling within 400-5km buffer zone of a SPA is required to mitigate its impact on the TBH SPA. This mitigation is sought by means of a total financial contribution towards SANGS and SAMM of £5,500.35 and this would accord with the TBH SPA Avoidance Strategy and the Planning Contributions SPD. Without this contribution the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

#### Sustainability

The Council's adopted SPD: Sustainable Design and Construction outlines that new dwellings should meet code level three for sustainable homes and reduce carbon dioxide emissions by 10% through the use of on site renewable and / or low carbon technologies. Since the publication and adoption of this SPD, a ministerial statement in March 2015, and subsequent legislation changes, has resulted in the Code for Sustainable Homes being withdrawn.

However, the 10% reduction in carbon emissions is still applicable. The applicant has provided an Energy Statement in support of this application, which demonstrates the proposed dwelling would achieve at least a 10% reduction in carbon emissions through the use of renewable technologies (solar panels). A condition is recommended to ensure the proposal is carried out in accordance with the measures set out in this document.

#### **Conclusion.**

In conclusion, although the site is located within the Countryside beyond the Green Belt, Policy RE4 can only be afforded little weight and greater weight should be given to the NPPF and the presumption in favour of sustainable development. The site is in a reasonably sustainable location and the development would provide one new dwelling towards meeting the Borough's identified housing need.

In addition, the proposal is not considered to have an adverse impact on the character of the area, the wider landscape, highway and pedestrian safety or significantly increase flood risk above existing levels or unduly impact the amenities enjoyed by the occupants of the neighbouring and surrounding properties. Also, the proposal would not have an adverse impact on those preserved trees on and surrounding the site. It is therefore considered that, subject to suitable conditions and the applicant entering into a suitable legal agreement to secure mitigation against the impact of the development on the TBH SPA, the application is acceptable and should be approved.

**RECOMMENDATION:**

**(i) Subject to the completion of a Section 106 Legal Agreement to secure:**

- **SANG and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Ground Floor Plan: 101612 002 (amended plan received on 02/07/2015);  
Pool Hall Floor Plan: 10162 003 (amended plan received on 02/07/2015);  
First Floor Plan: 10162 004 (amended plan received on 02/07/2015);  
Second Floor Plan: 10162 005 (amended plan received on 02/07/2015);  
Site Location / Block Plan: 10162 06 Rev E (amended plan received on 02/07/2015);  
Proposed Elevations: 10162 006 (amended plan received on 02/07/2015); and  
Detached Garage: 10162 007 (amended plan received on 02/07/2015),

received on 22/12/2014, and additional information received on 26/05/2015, unless stated otherwise.

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



3. No development shall take place until details and samples of the proposed external facing and roofing materials, including their 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. This is required as a pre-commencement condition because the use of satisfactory materials goes to the heart of the permission.

4. 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 area shall be retained and maintained for their designated purpose.

Reason: In the interests of highway safety and not to cause inconvenience to other highway users.

5. No development shall take place until a scheme for the disposal of surface water run-off using Sustainable Urban Drainage (SUDS) techniques, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure that the development can be adequately drained. This is necessary as a pre-commencement condition because the means and measures to secure the disposal of surface water run-off using SUDS techniques could affect fundamentally elements of the dwelling hereby approved.

6. The development works shall be carried out in accordance with the tree protection measures outlined in the approved Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan (Martin Dobson Associates), dated 22/05/2015.

Reason: In the interests of good arboricultural practice and the visual amenity of the area.

7. The development works shall be carried out in accordance with the information outlined in the approved Energy Statement (Southern Energy Consultants), unless otherwise agreed in writing by the Local Planning Authority, received on 22/12/2015.

Reason: To optimise renewable energy and its conservation.

8. 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.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
  - offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

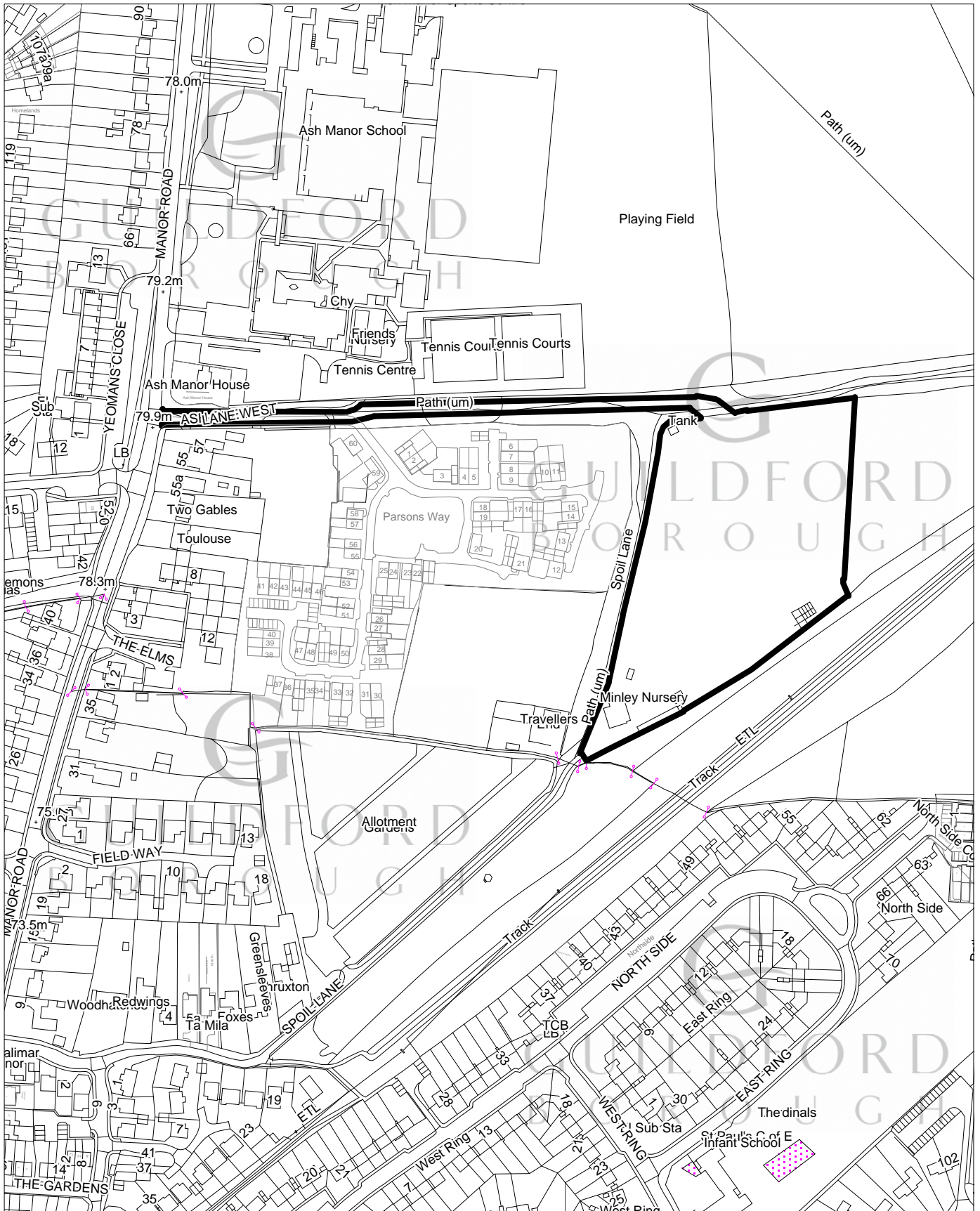
In this instance, the applicant did enter into pre-application discussions where the principle of the development was established. On the submission of the application, the agent was advised of issues and offered potential solutions, these were taken and proposal amended. No further changes were sought throughout the application process.

3. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Contact Natural England for further details: <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/europeanprotectedspecies.aspx>
4. The applicant is encouraged, where possible, to enhance the biodiversity value of the site by providing:
  - bird boxes as part of buildings on site, and/or on suitable trees for other species;
  - roosting opportunities for bats, either through bat boxes on suitable trees on site or by using bat bricks or tiles on the buildings on site; and
  - a 'wild area' on site to provide food and shelter for smaller animals such as reptiles and invertebrates; this can also improve connectivity across the wider developed landscape by providing a 'stepping-stone' for wildlife.

5. This permission shall be read in conjunction with the associated agreement made under section 106 of the Town and Country Planning Act 1990.
6. The applicant is advised to contact the Head of Operational Services on 01483 444507 at the Council, at an early stage to discuss naming and numbering of the development.

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# 15/P/00293 - Land at Minley Nursery, Spoil Lane, Tongham



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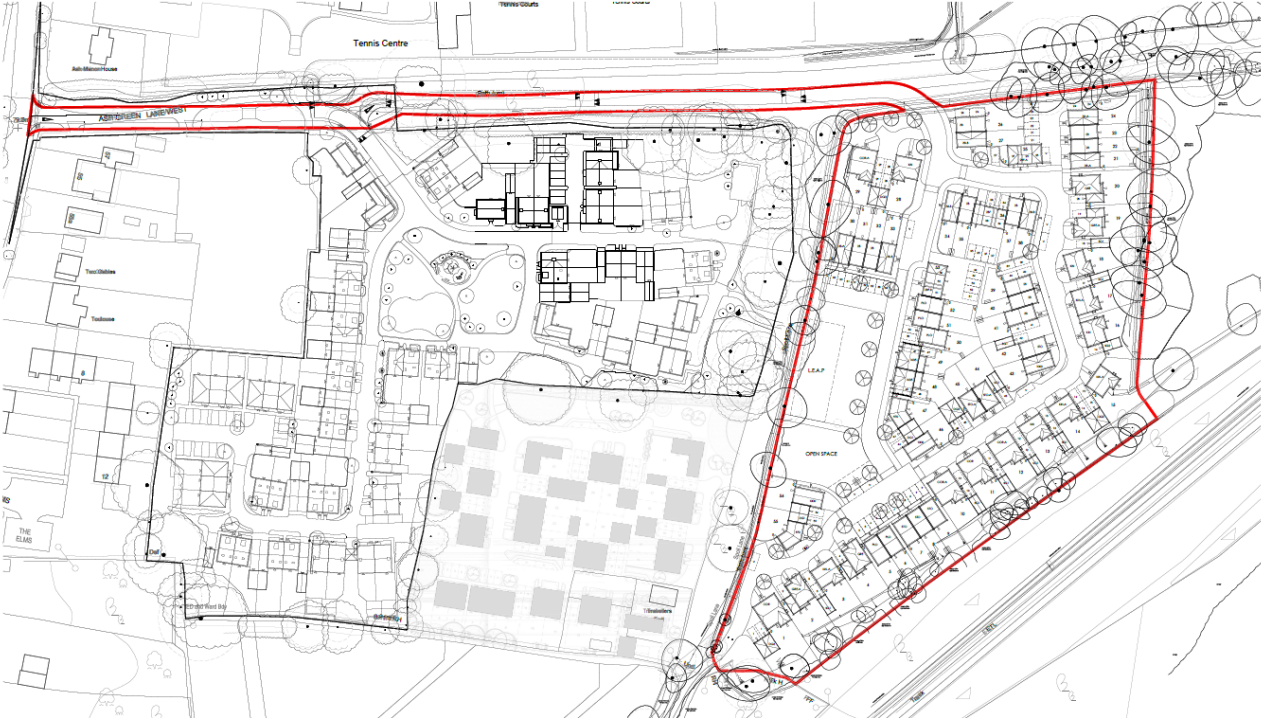
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Not To Scale

**15/P/00293 – Land at Minley Nursery, Spoil Lane, Tongham**



**App No:** 15/P/00293      **Type:** F      **8 Wk Deadline:** 28/08/2015  
**Appn Type:** Full Application  
**Case Officer:** Paul Sherman  
**Parish:** Ash      **Ward:** Ash South & Tongham  
**Agent :** Mr. David Neame      **Applicant:** Bewley Homes Plc c/o Agent  
Neame Sutton Limited  
West Suite  
Coles Yard Barn  
North Lane  
Clanfield, Hampshire  
PO8 0RN

**Location:** Land at Minley Nursery, Spoil Lane, Tongham, Farnham, GU10 1BP

**Proposal:** Proposed erection of fifty-five dwellings with associated vehicular and pedestrian access via Ash Green Lane West from Manor Road, emergency access from Spoil Lane, car parking and secure cycle storage, on site play space, landscaping and ecology management, and servicing.

### **Officer's Report - Updated**

#### Reason for deferral

This application was deferred from the Planning Committee meeting held on 12 August 2015, to allow Members to undertake a site visit to assess the proposed access development. The site visit took place on Thursday 20 August 2015.

The original agenda report is set out in Appendix 1 and the following information is reproduced from the late lists that were published on 12 August 2014:

#### Late Lists - Amendments and Corrections:

Condition 6 should read Local Equipped Area for Play (LEAP) and not Local Area for Play (LAP). So the full condition is now:

*No development shall take place until details of the proposed Local Equipped Area for Play (LEAP), have been submitted to and approved in writing by the Local Planning Authority. Such details shall include layout, surfacing, fencing, details of equipment and details of the management and maintenance of this facility. The approved details shall be implemented and completed in accordance with the approved details prior to the occupation of the 26th dwelling, or in accordance with a timescale that has first been agreed in writing by the Local Planning Authority.*

*Reason: To ensure satisfactory provision of play space. This is required to be a pre-commencement condition to ensure satisfactory playspace is agreed and provided in a timely manner, ensuring it can be used by the occupants of the proposed development.*

## **Appendix 1**

The application has been referred to the Planning Committee because more than 10 letters of objection have been received contrary to the officers recommendation.

### **Site description**

The site is located at the northern end of Spoil Lane and extends to some 1.9ha. It comprises a former horticultural nursery and associated buildings; the buildings are located in the southeast corner of the site with the remainder of the site open and mostly grassland. The site boundaries are marked by dense vegetation and mature trees. The site is bounded by public byways to the east and the north with a former railway line to the south. To the east the site adjoins open fields. The site is currently accessed via Spoil Lane which is a Byway Open to All Traffic and adjoins the highway at Manor Road.

The site is within an area that is generally rural in character although residential development is under construction on land to the east of the site and permission for residential development has been granted on land to the north of the site. The character of the area is therefore becoming more residential in character.

The site is outside the settlement area, the boundary of which is Guildford Road, and is within the Countryside beyond the Green Belt as identified by the proposals map of the Guildford Local Plan 2003.

### **Proposal**

The application proposes the erection of 55 residential units predominantly comprising detached, semi-detached and terraced properties although a small number of flats are proposed. The properties would all be two-storey and would all have dedicated parking and garden areas. Residential development is provided through the site with the exception of an open area on the eastern boundary which would provide play and informal open space.

The development would achieve a density of 29.1 dwellings per hectare (when including the access roads, amenity green space and play space) and includes the following property mix:

- 3 x two-bedroom flats
- 13 x two-bedroom houses
- 26 x three-bedroom houses
- 13 x four-bedroom houses

The application proposes that 20 of the properties would be affordable which equates to 36.4% of the units proposed.

Access to the site would be from Manor Road via Ash Green Road, would pass to the north of the residential development currently under construction, and would link to the northeast corner of the site. An emergency access is also proposed from the southeast and would link to Spoil Lane. Parking would be provided through a mixture of on plot parking, parking courts and garaging with 132 spaces provided in total, equating to a ratio of 2.4 spaces per unit and includes a proportion of visitor parking.



## **Environmental Impact Assessment (EIA) Development**

The application seeks permission for 55 residential units on a site of approximately 1.9ha. The development does not fall within Schedule 1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended, however the development is an Urban Development Project which are listed at section 10(b) of Schedule 2. The proposal is however well below screening threshold of 150 dwellings set by the 2015 amendment regulations. The site is not within a "sensitive area" as defined by the Regulations.

The development is therefore not EIA development.

## **Relevant planning history**

There is no relevant planning history for this site.

## **Consultations**

Planning Policy: No objection. There is a presumption in favour of sustainable development and development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The development would also contribute to meeting the Boroughs identified housing need.

County Highway Authority: No objection to the application subject to conditions and a contribution of £32,000 to upgrade the surface of Spoil Lane from the site to The Gardens.

Natural England: No objection subject to s.106 agreement to secure contribution towards SANGS and SAMM and a Grampian condition preventing development commencing until the Council has confirmed in writing that the SANGS has been delivered.

Surrey Wildlife Trust: No objection. Precautionary measures during site clearance to avoid harm to reptiles and bats should be implemented in accordance with the biodiversity studies and a biodiversity enhancement plan should be secured for the site as a whole.

Thames Water: No objection subject to a condition to ensure that a scheme for on and off site waste water drainage works shall be agreed with the Local Planning Authority in consultation with the sewerage undertaker.

Drainage Engineer: No objection. The Flood Risk Assessment / Surface Water Drainage Strategy are acceptable and there is no reason to refuse the application on flood risk or drainage grounds subject to suitable planning conditions to secure the detailed design of the SuDS scheme.

Environment Agency: No objection. The development should ensure that surface water run off rates from the site do not increase and where possible there should be a betterment. The Local Planning Authority should ensure that a suitable SUDs scheme is implemented.

Surrey County Council Archaeology: No objection. The application is supported by a Desk Based Archaeological Assessment and a condition should be included to secure a programme of archaeological work in accordance with a written scheme of investigation.

Agenda item number: 5(5)

Housing Manager: No objection. The development would deliver 20 (36.4%) affordable homes and this is above the policy requirement of 35%. The tenure mix and rent levels should be decided in agreement with the Head of Housing Advice Services and should be as per our latest guidance.

Ash Parish Council: Object on the following grounds;

- destruction / damage to the byway and trees
- over development of the site
- loss of open space
- detrimental impact on area and views
- increased risk of flooding
- cumulative impact on traffic particularly at junction of Manor Road
- use of Spoil Lane and an emergency access

Tongham Parish Council: Object on the following grounds;

- level of development around the village
- impact on infrastructure
- impact on use of allotments
- risk of flooding

Recycling and Cleansing Manager: No objection.

Arboricultural Officer: No objection. Recommends conditions to secure tree protection and retention of existing trees.

### **Third party comments**

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

- additional traffic / impact on highway safety
- inappropriate development in the countryside
- merging of settlements
- increase risk of flooding / risk of flooding to proposed properties
- loss of green fields / harm to the rural character of the area
- adverse impact on wildlife / protected species
- use of Byway for access / damage to the Byway
- impact on local infrastructure / community facilities
- impact on trees and vegetation

### **Planning policies**

The following policies are relevant to the determination of this application.

#### National Planning Policy Framework (NPPF)

Core planning principles – delivering sustainable development

Chapter 4. Promoting sustainable transport

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

Chapter 8. Promoting healthy communities

Chapter 10. Meeting the challenge of climate change, flooding and coastal change

Chapter 11. Conserving and enhancing the natural environment

South East Plan 2009

Policy NRM6: Thames Basin Heaths Special Protection Areas

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

G1	General Standards of Development
G5	Design Code
G6	Planning Benefits
H5	Retention of Existing Housing Stock
H11	Affordable Housing
RE4	Countryside Beyond The Green Belt
NE1	Potential Special Protection Areas
NE4	Species Protection
R2	Recreational Open Space in Large Resid.

Supplementary planning documents

Sustainable Design and Construction SPD 2011  
Planning Contributions SPD 2011  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 - 2014  
Residential Design SPG 2004  
Vehicle Parking Standards SPD 2006  
Landscape Character Assessment  
Surrey County Council Vehicular and Cycle Parking Guidance 2011

**Planning considerations**

The main planning considerations in this case are:

- The principle of development
- Design and the impact on the character of the area
- The impact on trees and vegetation
- The impact on neighbouring amenity
- The impact on highway safety and the level of parking
- The risk of flooding and the proposed surface water drainage strategy
- The impact on biodiversity and protected species
- The impact on the Thames Basin Heaths Special Protection Area
- The level of open space within the development
- Legal agreement requirements
- The cumulative impacts of development
- 

The principle of development

The application site is located within the Countryside Beyond the Green Belt (CBGB) as identified by the proposals map of the Local Plan. Policy RE4 of the Local Plan advises that development within CBGB will not be permitted except in a limited range of circumstances, which does not include residential development. It is a restrictive policy that seeks to reflect the controls which are applicable to Green Belt development. Policy RE4 is part of the Development Plan which is the starting point for decision-making; decisions should be in accordance with the development unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a significant material consideration. Paragraph 215 of the NPPF makes clear that the weight to be given to local policies should be determined having regard to the degree of consistency with the Framework. The overriding objective of the NPPF is to deliver sustainable development and there is a clear presumption in favour of approving sustainable development. While the NPPF continues to give strong weight to the protection of the Green Belt such protection does not extend to other areas of countryside. The NPPF therefore draws a clear distinction between Green Belt land which to be protected and other countryside where the objective is one of recognising intrinsic character and beauty rather than outright restriction on development. The presumption in favour of sustainable development applies equally to development in the countryside as it does in urban areas. Policy RE4, in so far as it restricts development, is clearly in conflict with the policy of the NPPF and the weight to be attached to this policy is therefore reduced.

In addition to the above, it is noted that the Council has not identified a five-year housing land requirement or a five-year supply of housing as required by the NPPF. The saved policies of the Local Plan do not provide up to date allocations or identify an up to date housing requirement and it is noted that part of the role of CBGB is to provide for growth once urban sites have been exhausted. The restrictive nature of Policy RE4 is a contributing factor to the under delivery of housing.

Taking all of the above matters into account it is considered that Policy RE4 should be given very little weight in the determination of this application and that the Council should apply the presumption in favour of sustainable development on this site. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

### **Design and the impact on the character of the area**

The site is located at the northern end of Spoil Lane and the area is currently rural in character although residential development is under construction on land to the east of the site and permission for residential development has been granted on land to the north of the site. The character of the area is therefore becoming more residential in character. The existing residential development in the area is predominantly two-storey and the development under construction reflects this.

The site is within the Tongham Rural-Urban Fringe as identified by the Guildford Landscape Assessment and Guidance which identifies that the area is heavily influenced by roads and railways and includes unmanaged fringe land and horse paddocks that often do not contribute to the landscape setting of Ash and Tongham. The application site somewhat reflects this assessment and it is not considered to make a significant contribution to the setting of the village.

The application proposes the erection of 55 residential units predominantly comprising detached, semi-detached and terraced properties although a small number of flats are proposed. The development would be accessed from the north with the access road splitting within the site to create central permitted block of residential development. All the development fronts the highway and small landscape areas are proposed to the front of most of the properties. The properties would all be two-storey and would all have dedicated parking provided in a mixture of on-plot, parking courts and on-street parking. The eastern part of the site would include play and informal open space and this area is well overlooked by the proposed properties.

It is considered that the layout proposed is of good quality, the relationship of properties to the street gives the streets interest and activity while the landscaping would soften the appearance of buildings and the parking has been sensitively incorporated within the layout. The buildings themselves are of a good standard of design, are modestly proportioned and the variation of house types would also help to create an interesting development with a distinctive character. The scale and layout of the dwelling would also sit sympathetically alongside the development approved for the adjoining site.

While it is accepted that the development would change the character of this part of Tongham, the applicant demonstrates that a high quality development would be delivered on this site and the planting to be provided and the retained trees would ensure the development retains an edge of settlement character. It is also noted that the development would not conflict with the Landscape Guidelines for Built Development, as set out by the Guildford Landscape Assessment and Guidance, which include conserving the setting of historic farm buildings, conserving existing woodland blocks and hedgerow framework and maintaining existing rights of way connecting the rural fringe into the urban area. While the loss of the predominantly open land would change the character of this area, it would not be so harmful as to justify the refusal of planning permission. Any harm arising is more than outweighed by the benefits of delivering new housing and the presumption in favour of sustainable development.

### **The impact on trees and vegetation**

The application site includes a number trees located along the site boundaries. The applicant's tree survey concludes that the trees on the site are generally of low quality although there is a group of oaks on the western boundary that are good quality. The applicant has provided a tree protection plan which demonstrates that the existing boundary trees will be protected during construction and retained. While a small number of trees are to be removed this is predominantly for reasons of good arboricultural practice. The Councils Arboricultural Officer has considered the proposals and has raised no objection on the impact of trees subject to the conditions to ensure that the tree protection measures are implemented prior to the commencement of development. In the event that permission is granted a landscaping condition is recommended to ensure trees are provided within the development.

### **The impact on neighbouring amenity**

The application site is currently within a location which is fairly isolated from residential development although planning permission has been granted for residential development on the land to the east of the site and to the north. The development to the east is currently underway while the development to the north only has outline consent. It is necessary to have regard to how the development of this site would impact on the future occupants of these developments, however, the site is well screened and this would provide an effective buffer between the respective developments. The development would therefore not materially impact on the amenities of the future occupants of these properties.

The only existing residential property in close proximity to the site is a detached dwelling known as Travellers End; this is located to the south of the site adjacent to the existing access. The closest of the proposed dwellings would be approximately 25 metres from this property. This distance, combined with the intervening screening, is sufficient to ensure that the development would not appear overbearing and the orientation of the properties would ensure that the development would not materially impact on the privacy the occupants of this property currently enjoy.

The development also would be accessed via Ash Green Lane West and would pass to the north of the new properties currently under construction. While the development would increase the intensity of the use of this access it is not considered that this would result in a material increase in the noise or disturbance the occupants of these properties would experience. Furthermore, while the development shows an emergency access from Spoil Lane this is likely to be mostly used by pedestrians and cyclists and it is unlikely to be used by vehicular traffic. Accordingly the development would not increase trips along Spoil Lane and thus would not increase the noise and disturbance to existing properties in this area. A condition should be included to secure details of the bollards to be provided to prevent vehicle access.

The layout proposed would ensure that each property would be provided with a reasonable sized garden to serve the passive recreational requirements of the future occupants of the development; a Local Equipped Area of Play is also shown to be provided. The buildings are positioned such that the relationships between the buildings and the future occupiers would be acceptable. It is therefore also concluded that the development would provide the future occupants of the development appropriate residential amenities.

### **The impact on highway safety and the level of parking**

The proposed development would be accessed from Ash Green West via a new access road to be created to the north of the existing residential development and would link to the northeast corner of the Minley Nursery Site. The site would also have an emergency access on the southeast corner which would link the development to Spoil Lane. The County Highway Authority considers the access arrangements are acceptable in that they would not impact on highway safety and would not materially impact on the existing highway network.

The County Highway Authority has also considered the proposed emergency access and has advised that this access will mainly act as a pedestrian access to Spoil Lane which will provide residents with a more direct route Manor Road for those living in the southern end of the site. The access would not be used for vehicle access by residents and would only be used by emergency service vehicles in the event the main access was blocked. It raises no objection to this emergency access, however, details of the bollards to limit access should be secured by condition and requests a contribution of £32,000 to improve the surface of Spoil Lane to improve its desirability for walking and cycling and to encourage sustainable travel choices.

Parking is shown to be provided through a mixture of on plot parking, parking courts and garaging with 132 spaces provided in total, equating to a ratio of 2.4 spaces per unit which includes a proportion of visitor parking. This level of parking meets the standards set by the Vehicle Parking Standards SPD and the parking is laid out in an appropriate form such that it is conveniently located to the properties it is intended to serve.

It is therefore concluded that, subject to conditions and a suitable legal agreement, the development would not adversely impact on highway safety or capacity and no objection should be raised to the proposal on these grounds.

### **The risk of flooding and the proposed surface water drainage strategy**

The application site is located in Flood Zone 1 and as such is at a low risk of fluvial flooding. The site is, however, within an area known to suffer from surface water flooding. The application is supported by a Flood Risk Assessment that includes Surface Water Drainage Strategy; further information and clarifications were provided following queries raised by the Council's consultant Drainage Engineers. The report states that the development will incorporate a Sustainable Drainage System (SuDS) which would provide for attenuation on site with a controlled outfall to the existing drainage ditches at the northern boundary of the site. Discharge rates to this watercourse will be limited to the existing greenfield rates. This would be designed to be effective for all storm events up to the 1:100 year event, with an additional 30% allowance for climate change. It also recommends an improvement and management plan for the existing ditches.

The Flood Risk Assessment and Surface Water Drainage Strategy has been considered by the consultant Drainage Engineers who have advised that, subject to conditions to secure the detailed design of a SuDS scheme, the development would not increase the risk of flooding to other properties and that the proposed development would not be at an unacceptable of flooding. It is also noted that the proposals comply with the updated requirements for major developments to include SuDS wherever possible. Details of the maintenance of the SUDS system are to be secured by condition.

With regard to foul drainage, Thames Water has advised that the existing network does not have the capacity to cope with the proposed development and will require upgrading. Thames Water has therefore recommended a Grampian style condition to prevent development commencing until a suitable scheme has been agreed and implemented. This approach is also supported by the consultant Drainage Engineer.

Having regard to all of the above it is concluded that, subject to suitable conditions, the development would not increase the risk of flooding to adjoining properties or result in unacceptable flood risk to the future occupants of the development.

### **The impact on biodiversity and protected species**

The application site contains a mixture of grassland, hedgerows and scrub, and trees. The applicant has submitted an Ecological Appraisal that concludes that the habitat on site is of limited quality and is not likely to support protected species. Surrey Wildlife Trust has considered the report and has confirmed that subject to suitable planning conditions the development would be unlikely to impact on protected species. A condition should be included to secure a site wide Biodiversity Enhancement and Management Plan to enhance the biodiversity value of the site and for this to be maintained following development.

### **The impact on the Thames Basin Heaths Special Protection Area**

The application site is located within 2.2km of the Thames Basin Heaths Special Protection Area (TBH SPA) the closest part of which is the Ash Ranges SSSI. 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 site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 55 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development. In this instance the development requires a contribution of £300,086.95 and this should be secured by a Legal Agreement.

At this time there is no SANGS capacity capable of mitigating the impact of this development. A proposed SANGS in Ash has planning permission and although this has yet to be implemented this would be capable of mitigating the impact of this development should it be delivered. Given that there is a prospect of a SANGS capacity becoming available within the lifetime of a planning permission it is considered reasonable to impose a Grampian style planning condition to prevent development commencing until such time that the Council has agreed in writing that the required mitigation has been delivered. Natural England has considered the use of Grampian conditions and has advised that this would be appropriate in this instance.

It is therefore concluded that subject to the completion of a legal agreement and a suitable planning condition the development would not compromise the integrity of the TBH SPA and would meet the objectives of the TBH SPA 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.

#### **The level of open space within the development**

In accordance with local plan policy R2 and the Planning Contributions SPD, the following Open Space contributions are required (per 1,000 population):

- 1.6 hectares of formal playing fields
- 0.8 hectares of children's play space
- 0.4 hectares of amenity space

The application seeks permission for 55 dwellings. The 'per 1,000 population' is calculated at 2.5 persons per dwelling, resulting in an estimated population of 137. The following therefore needs to be provided:

- 2,200sq.m of formal playing fields
- 1,100sq.m of children's play space
- 55sq.m amenity space

The Council expects children's play space and amenity space to be provided on site for a development of this size. This indicative layout shows the development could deliver more than 1,800sq.m of open / amenity space which is in excess of the minimum of 1155sq.m required by the SPD. This includes a Local Equipped Area of Play (LEAP) and an open space suitable for more informal play. Details of the LEAP should be secured by condition which should include details of the arrangements for future management and maintenance.

The development would previously have required a contribution towards formal playing pitches however the scale of this development is such that the contributions would need to be pooled in order to deliver additional formal playing fields. Regulation 123 restricts pooling of contributions and therefore the Council cannot require a contribution to playing fields in this instance.



### **Legal agreement requirements**

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

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

The following matters are to be sought through a legal agreement for this application.

#### Affordable housing

The development would provide 20 affordable housing units which equates to 36% of the units to be provided. This accords with the requirements of the Policy of H12 of the Local Plan 2003 and the requirements of the Planning Contributions SPD. Without the provision of affordable housing the development would not deliver a mixed and sustainable development and would be unacceptable in planning terms. This obligation therefore meets the requirements of Regulation 122.

#### Thames Basin Heaths Special Protection Area

The development is required to mitigate its impact on the TBH SPA; this will be through a financial contribution towards SANGS and SAMM of £300,527.44 and this would accord with the TBH SPA Avoidance Strategy and the Planning Contributions SPD. Without this contribution the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

#### Highway improvements

An index linked contribution of £32,000 is sought to improve the surface of Spoil Lane between the site and The Gardens. This route would likely be used by the occupants of the development for walking and cycling and would ensure sustainable travel options were available to reduce pressure on the local road network. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

#### Education

Surrey County Council has advised that the development would increase pressure on local schools and have requested contributions towards primary and secondary school provision. The contributions would, however, need to be pooled to deliver additional school places and the County Council has not been able to demonstrate that the contributions would meet the requirements of Regulation 123. Accordingly education contributions are not sought from this development.

### **The cumulative impact with other developments**

Concern has been raised about the cumulative impact of development in the Ash and Tongham area on local infrastructure, specifically highways, schools and healthcare. Other residential developments have been approved in the area, including 39 dwellings at The Croft (13/P/00717), 26 dwellings at Foreman Road (12/P/01534), 35 dwellings at Poyle Road (12/P/01514), 60 at Ash Green Lane West (12/P/00645), 400 at Ash Lodge Drive (12/P/01973) and up to 50 at Grange Farm (14/P02398).

The impact on highways is considered above with the conclusion being that the development on the highway network would not be unacceptable and the applicants Transport Statement take account of committed developments. The schemes which have consent have contributed to highway mitigation in relevant to those developments and there is no evidence at this time that the cumulative impacts of the development would result in significant adverse impacts on the highway network.

As for education and healthcare, new development will place additional pressure on existing services through increased population, creating additional demand. However, at the present time, opportunities to mitigate against these impacts are very limited as a result of the CIL regulations and the lack of a CIL charging schedule, as explained above. Until CIL is in place, or unless a specifically-worded planning obligation is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development the Council is not in a position to request such contributions. While this is potentially a material consideration there is no evidence to suggest that the impact would be so harmful as to outweigh the presumption in favour of the development and the benefits of delivering new housing.

### **Conclusion**

In conclusion, although the site is located within the Countryside beyond the Green Belt, Policy RE4 should be afforded little weight and greater weight should be given to the NPPF and the presumption in favour of sustainable development. The site is in a sustainable location and the development would deliver 55 units that would contribute to meeting the Councils identified housing need; 20 of these would be affordable. While the development would change the character of the area, would extend the urban area and would result in the loss of an existing green space, the impact would not be so harmful as to justify the refusal of the application on these grounds. The development proposed would be of a good quality of design and includes significant proportions of open space and landscaping which would help soften the appearance of the development.

The development would not materially impact on the amenities enjoyed by occupants of the existing residential properties in the area or the future occupants of those currently under construction. The development would not give rise to conditions prejudicial to highway safety, would not impact on protected species and, subject to a condition to secure a detailed SuDS scheme, the development would not increase the risk of flooding to adjoining properties.

It is therefore considered that, subject to suitable conditions and the applicant entering into a suitable legal agreement to secure affordable housing, mitigation against the impact of the development on the TBH SPA and to secure byway improvements, the application is acceptable and should be approved.

**RECOMMENDATION:**

(i) **Subject to the completion of a Section 106 Legal Agreement to secure:**

- **20 affordable housing comprising units comprising 3 x two-bedroom flats, 8 x two-bedroom houses and 9 x three-bedroom houses with a tenure mix to be agreed by the Housing Development Manager**
- **SANG and SAMM contributions based on the adopted tariff to mitigate against the impact on the Thames Basin Heaths Special Protection Area**
- **a contribution of £32,000 to improve the surface of Spoil Lane**

(ii) **That upon completion of (i) above, and subject to the satisfactory resolution of the matter the subject of the exempt item, the application be determined by the Head of Planning. The preliminary view is that the application should be granted subject to conditions.**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

140930/LP Rev.A, 140930/SL Rev.A, 140930/CSL Rev.A, 140930/AB/DG1/EP Rev.A, 140930/AB/DG2/EP Rev.A, 140930/AB/DG3/EP Rev.A, 140930/AB/SG1/EP Rev.A, 140930/AB/SG1/EP Rev.A, 140930/HT/2B/EP Rev.A, 140930/HT/2B.A/EP Rev.A, 140930/HT/2B.B/EP Rev.A, 140930/HT/3B/EP Rev.A, 140930/HT/970/EL Rev.A, 140930/HT/970/FP Rev.A, 140930/HT/1000/EL Rev.A, 140930/HT/1000/FP Rev.A, 140930/HT/1035/EP Rev.A, 140930/HT/COR.A/EL Rev.A, 140930/HT/COR.A/FP Rev.A, 140930/HT/COR/EL Rev.A, 140930/HT/COR/FP Rev.A, 140930/HT/GRE.A/EL Rev.A, 140930/HT/GRE.A/FP Rev.A, 140930/HT/GRE/EL Rev.A, 140930/HT/GRE/FP Rev.A, 140930/HT/PLO/EP Rev.A, 140930/HT/STO/EP Rev.A, 140930/HT/STO.A/EP Rev.A, 140930/HT/2BF.A/EL Rev.B, 140930/HT/2BF.B/EL Rev.C, 140930/HT/2BF/EP Rev.C, 140930/HT/3B.A/EP Rev.B, 140930/HT/3B.B/EP Rev.B, 140930/HT/KIN.A/EL Rev.B, 140930/HT/KIN.A/FP Rev.B, 140930/HT/KIN/EL Rev.B and 140930/HT/KIN/FP Rev.B

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

3. No development shall take place until written confirmation has been obtained from the local planning authority that the Council has secured Suitable Alternative Natural Green Space (SANG) and no dwelling shall be occupied before written confirmation has been obtained from the local planning authority that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: This is required as a pre-commencement condition as the development is only acceptable if the impact on the Thames Basin Heaths Special Protection Area can be mitigated. This is reliant on the provision of SANG. Avoidance works associated with development need to be carried out prior to the occupation of the development so that measures can cater for increased number of residents to avoid adverse impact on the Thames Basin Heaths Special Protection Area.

4. No development shall take place 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. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

5. No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to ensure the height of the development is appropriate to the character of the area. This is required as a pre-commencement condition to ensure the finished height of the development is known before work begins.

6. No development shall take place until details of the proposed Local Area for Play (LAP), have been submitted to and approved in writing by the Local Planning Authority. Such details shall include layout, surfacing, fencing, details of equipment and details of the management and maintenance of this facility. The approved details shall be implemented and completed in accordance with the approved details prior to the occupation of the 26th dwelling, or in accordance with a timescale that has first been agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of play space. This is required to be a pre-commencement condition to ensure satisfactory playspace is agreed and provided in a timely manner, ensuring it can be used by the occupants of the proposed development.

7. No development shall take place until the tree protection detailed in the submitted Arboricultural Report (Ref: AP/8547/WDC) and shown on the Tree Protection Plan (Drawing 8547/02) have been installed in accordance with the approved details. The development shall thereafter be undertaken in accordance with the recommendations of the Arboricultural Report.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality. This is required as a pre-commencement condition to ensure trees are appropriately protected at the time work starts on site.

8. No development shall take place until a Construction Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of materials
  - (c) storage of plant and materials
  - (d) provision of boundary hoarding behind any visibility zones
  - (e) measures to prevent the deposit of materials on the highway
  - (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - (g) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This needs to be a pre-commencement condition to ensure an acceptable scheme is agreed before works begin on site.

9. Prior to the occupation of the first unit, the proposed highway improvements to Ash Green Lane West, including raised tables and tactile paving, shall be constructed in accordance with the approved plans, Drawing No. 14-145/SK04A, and thereafter shall be permanently maintained.

Reason: In order that the development would not prejudice highway safety nor cause an inconvenience to users of the site.

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 140930/CSL, 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 /turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure parking is available to serve the development and in the interests of highway safety.

11. Prior to the occupation of the first dwelling a Travel Statement shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide". Once approved, the Travel Statement shall be implemented on first occupation of the development.

Reason: To promote sustainable transport choices.

12. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. This required to be a pre-development condition to ensure that the development does not lead to sewage flooding

13. No development shall take place until a full scheme for the provision of a Sustainable Drainage System (SuDS) for the site has been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until the approved SuDS has been constructed in accordance with the approved scheme. The details required shall include:

- a full geotechnical report to ascertain if infiltration devices (in part) may be acceptable
- full details of the proposed system including pipe positions, dimensions and levels, manhole levels and details of flow control devices
- full details of the balancing pond including levels, gradients of banks, flow controls for discharge and full details of any other attenuation proposed
- calculations demonstrating no increase in surface water rates and volumes up to the 1 in 100 plus climate change storm events. No on site flooding up to the 1 in 30 storm event and any on site flooding between the 1 in 30 and 1 in 100 storm events will be safely contained on site mitigation of the residual risk / overland flows
- a detailed maintenance schedule for the SUDS drainage system including ownership responsibilities demonstrating that the future maintenance of the SuDS has been secured

Reason: To prevent the increased risk of flooding and ensure future maintenance of the drainage system. This is required as a pre-commencement condition as it goes to the heart of the permission and its requirements are likely to affect final detail of the scheme.

14. No development, including site clearance, shall take place until a methodology for site clearance and demolition of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details and in accordance with the recommendations contained in Section 6 of the submitted Ecological Appraisal (Ref: ECO2727.MN-EcoApp.vf).

Reason: To prevent any adverse impact on legally protected species resulting from the proposed development works and to help off-set adverse effects to the biodiversity value of the site resulting from the proposed development.

15. Prior to the first occupation of the development, a Landscaping Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of all proposed plants and trees, details of existing plants and trees to be retained and details of all areas of hard surfacing and areas to be grassed. The approved scheme shall be implemented prior to, or within, the first planting season following the occupation of the first unit. No trees shown to be retained shall be lopped, topped or felled within 5 years of the substantial completion of the development and any new plants or trees dying or becoming diseased within this period shall be replaced with plants or trees of similar size and species.

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

16. A landscape management plan covering a period of no less than 10 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

17. Prior to the occupation of the first unit, details of all walls and fences shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown in the approved scheme shall be erected on the site.

Reason: In the interests of visual amenity.

18. Prior to first occupation of the dwellings hereby approved, full details of how existing boundary treatments will be dealt with to ensure strong linkages between the site and the neighbouring site to the north and west will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure strong connectivity is provided between the two developments.

19. Prior to the first occupation of the development bollards or similar device shall be installed at the emergency access to prevent general vehicular use in accordance with a scheme to be agreed in writing with the Local Planning Authority. The approved bollards shall thereafter be retained and shall not be removed other than to allow emergency access.

Reason: In the interests of residential amenity and privacy.

20. The development hereby approved shall be carried out in accordance with the submitted Energy Statement which shows a minimum of 10% reduction in carbon emissions from the use of on site photovoltaics, unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented prior to the occupation of the development and retained and maintained for the lifetime of the development.

Reason: To optimise renewable energy and its conservation.

21. Prior to the first occupation of the development an external lighting scheme shall be installed in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented.

Reason: In the interests of visual and residential amenity.

22. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In the interests to securing the preservation of archaeological assets. This is required to be a pre-development condition as development may impact on unknown assets.



23. 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.

**Informatives:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:

- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant entered into pre-application discussions, and submitted a scheme that was discussed. Further minor changes were requested during the application process including the provision of a LAP.

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)

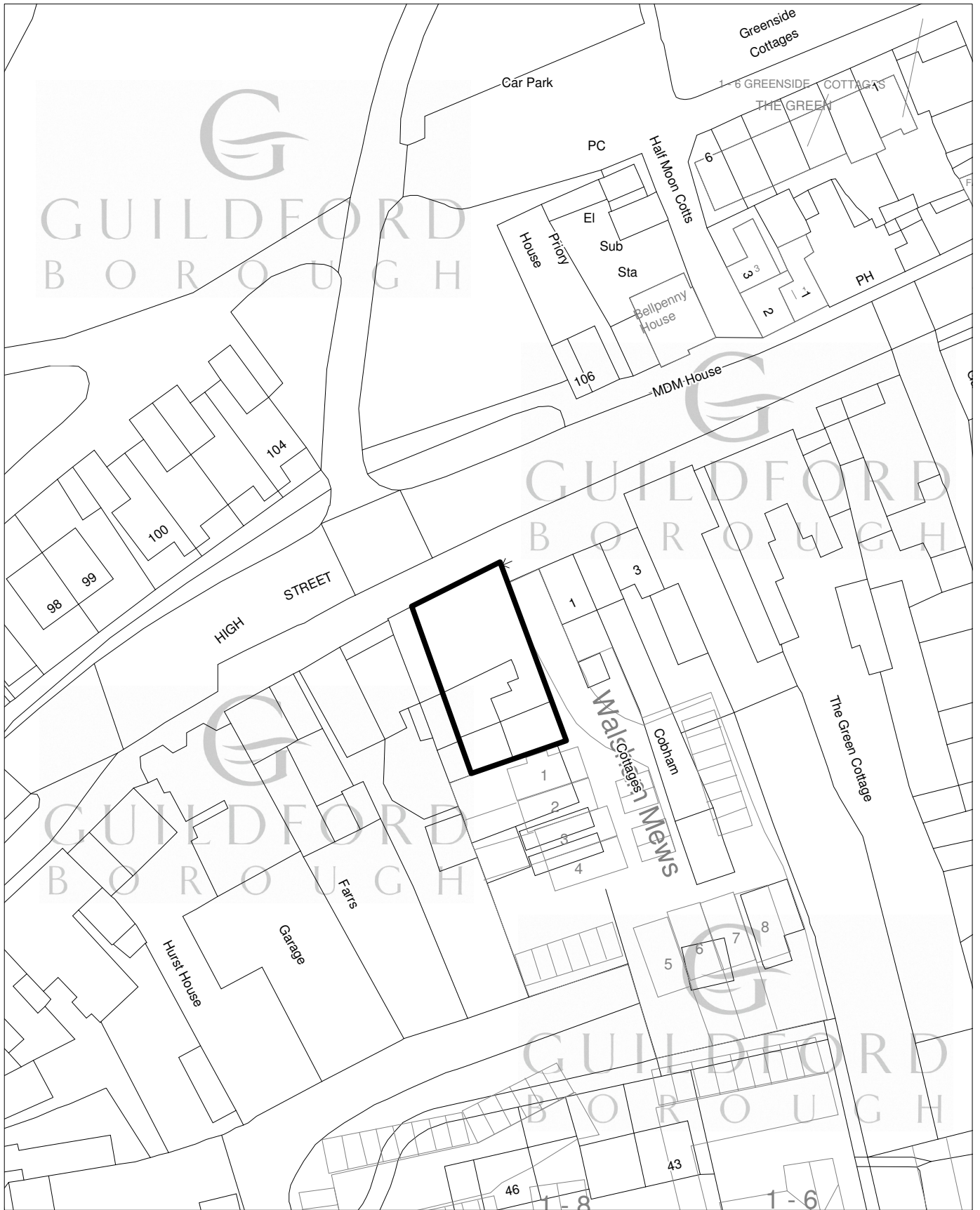
3. Highways informatives:

- The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.
- Condition 1 above requires the alteration of the Traffic Regulation Order. The Traffic Regulation Order is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event the alteration to the Traffic Regulation Order is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to commencement of the development. Any alternative scheme shall be implemented prior to commencement of the development and to the satisfaction of the Local Planning Authority.
- 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.

4. Environmental Health informatives:

- Adequate control precautions shall be taken in order to control noise emissions from any fixed plant, including generators, on site during demolition / construction activities. This may require the use of quiet plant or ensuring that the plant is sited appropriately and / or adequately attenuated. Exhaust emissions from such plant shall be vented to atmosphere such that fumes do not ingress into any property.
- If piling is required, silent piling should be used.
- Due to the proximity of residential accommodation there should be no burning of waste material on site.
- 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.
- The applicant shall provide details of the arrangements made for litter / refuse storage and collection, to be agreed with the Chief Environmental Health Officer.

# 15/P/00776 - Teulon House, High Street, Ripley



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Not To Scale



15/P/00776 – Teulon House, High Street, Ripley



Not to scale

**App No:** 15/P/00776      **Type:** F      **8 Wk Deadline:** 19/08/2015  
**Appn Type:** Full Application  
**Case Officer:** Michael Parker  
**Parish:** Ripley      **Ward:** Lovelace  
**Agent :** Mr Frank Taylor      **Applicant:** W B Green Ltd  
The Old Farm House      c/o agent  
Epsom Road  
Merrow  
Surrey  
GU4 7AB

**Location:** Teulon House, High Street, Ripley, Woking, GU23 6AY  
**Proposal:** Redevelopment of the rear part (approximately half) of the existing building, including a two storey rear extension, use of the ground floor for Class A1 (retail) or Class A2 (financial & professional services) and creation of 2 x 1 bed residential flats on first floor with associated parking following demolition of part of the rear unlisted building in a Conservation Area.

### **Officer's Report - Updated**

#### **Reason for deferral**

This application was deferred from the Planning Committee meeting held on 12 August 2015, to allow Members to undertake a site visit. The site visit took place on 20 August 2015.

The original agenda report is set out in Appendix 1 below.

#### **Clarification regarding the proposed parking provision**

The recently approved planning permission 12/P/01134, for the 8 dwellings to the rear of the site, is a key material consideration when assessing the parking provision under this current application. The approved application requires the provision of 4 parking spaces on the current area of hardstanding to the rear of Teulon House and 128 High Street to serve the current retail space. Four parking spaces was considered to be adequate for the level of retail space at Teulon House and 128 High Street when determined by the Council in 2012. It is also important to note that the approved parking spaces were to be reserved for use solely by staff members.

The existing retail provision at Teulon House is to be reduced by almost half to 171 square metres from 321 square metres to allow the provision of two residential properties. The proposal would then provide one cycle and one parking space per one bedroom flat and two parking spaces for the remaining retail space. There is a significant amount of on street parking available on the High Street and there are a number of public car parks in the village such as at Ripley Green and White Hart Court. There are a number of shops within the village centre that do not provide their own customer parking.

Taking into account the reduction in retail floor space, the adequate provision for the one bedroom flats and the amount of parking within the village centre the provision of four spaces is considered to be an acceptable level of parking.

### **Appendix 1**

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.

#### **Site description.**

The site forms part of the former Wyllie and Mar furniture shop site, which is located on the southern side of High Street, Ripley. The building would adjoin the retained retail unit 128 High Street, which was also previously part of the Wyllie and Mar retail building. Grade II listed buildings are located to the east and west of the site, Cranford Cottage to the west and 1, 2 and 3 Cobham Cottages to the east. The site is in the designated Green Belt, within the Ripley Settlement Area boundary, the Ripley Conservation Area, Local Shopping Centre, Areas of high archaeological potential and the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area.

The existing retail building is a two storey white painted brick building with large floor to ceiling windows to the front with a series of gabled roofs extending to the rear. The property was formally part of the Wyllie and Mar furniture store business. Following re-development to the rear of the site, the existing building was split in to two retail units, 128 High Street and Teulon House. Both 128 High Street, which is not part of this application, and Teulon House are currently used as retail units on both the ground and first floor levels.

#### **Proposal.**

Redevelopment of the rear part (approximately half) of the existing building, including a two storey rear extension, use of the ground floor for Class A1 (retail) or Class A2 (financial & professional services) and creation of 2 x 1 bed residential flats on first floor with associated parking following demolition of part of the rear unlisted building in a Conservation Area.

The proposal would result in an A1/A2 area of 171 square metres on the ground floor, a reduction of 150 square metres. The one bedroom flats would both contain a sitting/dining room area and a separate kitchen area. Cycle storage and bin storage is provided at the ground floor level to the rear of the property. Four parking spaces would be provided to the rear of the site, one for each of the residential units and two for the retail uses.

#### **Relevant planning history.**

There is substantial history at the site, the most relevant being:

14/P/00230 - Redevelopment of the rear half section of existing building and use of ground floor for Class A1 (retail) or Class A2 (financial & professional services) and creation of 3 x 1 bed residential flats on first floor. Withdrawn 29/4/2014

13/P/00017 - Part two storey / part single storey rear extension to existing retail premises following demolition of various single storey and two storey elements. Withdrawn 22/02/2013.

12/P/01134 - Redevelopment to provide 8 dwelling houses and ancillary car parking following demolition of various outbuildings with shop frontage on high street to remain. Approved 17/08/2012

**Consultations.**

County Highway Authority: the County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that, subject to conditions, the application would not have a material impact on the safety and operation of the adjoining public highway.

Thames Water: no objection with regard to sewerage infrastructure capacity.

Ripley Parish Council: Ripley Parish Council objects due to the plans not providing sufficient parking spaces, particularly for the retail aspect of the proposal. The proposal is inappropriate for the location and represents overdevelopment of the site. The impact on neighbouring listed buildings, particularly the loss of natural light.

Surrey County Council Archaeology: no objection subject to a condition securing further investigation works.

**Third party comments:**

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

- proposal would entail the loss of valuable retail space and a consequent reduction in the vitality of Ripley Village.
- density of the proposal constitutes over development
- proposed extension of existing building too big in bulk and size
- impact on character of the Conservation Area and setting of adjacent listed buildings
- concerns regarding the suitability of the access, parking layout and increase in traffic
- under provision of parking and delivery space
- increase in light pollution from roof lights
- there is no garden or outdoor amenity (e.g. clothes drying) shown for the residential units
- neither of the two residential units are designed for ownership or use by anyone in a wheelchair.
- renewable energy for the development will not be efficient enough
- impact on neighbouring amenity through loss of light and loss light
- does not fall within the GPDO guidelines for change of use from retail to mixed use  
[Officer note: this is not a material consideration as the applicant has applied for planning permission]

**Planning policies.**

**National Planning Policy Framework (NPPF)**

Core planning principles

Chapter 2. Ensuring the vitality of town centres

Chapter 3. Supporting a prosperous rural economy

Chapter 7. Requiring good design

Chapter 9. Protecting Green Belt land

Chapter 11. Conserving and enhancing the natural environment

Chapter 12. Conserving and enhancing the historic environment

## **National Planning Practice Guidance**

### **Ministerial statement March 2015** – removing maximum parking standards:

“Local Planning Authorities should only impose local parking standards for residential and non residential development where there is a clear and compelling justification that it is necessary to manage their local road network”.

### **South East Plan 2009**

Policy NRM6: Thames Basin Heaths Special Protection Area

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

G1	General Standards of Development
G5	Design Code
HE4	The Setting of Listed Buildings
HE7	New Development in Conservation Areas
HE9	Demolition in Conservation Areas
RE2	Development Within The Green Belt
RE3	Identified Settlements in the Green Belt
S9	Local Shopping Centres

### **Supplementary planning documents:**

Supplementary Planning Guidance - Residential Design Guide, July 2004.

Vehicle Parking Standards Supplementary Planning Document, Sept 2006.

Sustainable Design and Construction Supplementary Planning Document, March 2011 (factual update May 2015).

Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 - 2016, January 2015.

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the Green Belt
- reduction and change of A1 use to A1 and A2
- the impact on the character of the existing building
- the impact on the character and appearance of the Conservation Area
- highway/parking considerations
- the impact on neighbouring amenity
- provision of adequate amenity space
- impact on protected species
- impact on archaeology
- location of bin store
- sustainability
- Thames Basin Heaths Special Protection Area
- legal agreement



### Principle of development

The proposal is for the loss of A1 shop space on the top floor and the replacement of this space with two 1 bedroom flats following the erection of a two storey rear extension. The retained ground floor retail unit would have a flexible A1/A2 use. The site lies within the Green Belt, the identified settlement of Ripley and the Ripley Local Centre.

The NPPF allows for limited infilling in villages within the Green belt under policies set out in the Local Plan. Policy RE3 of the Saved Local Plan allows new buildings within Settlement Boundaries to be permitted if they involve infill development on land substantially surrounded by existing developments and small scale housing developments appropriate to the scale of the locality.

Policy S9 (Local Shopping Centres) allows the change of use of a shop (A1) to A2 or A3 where the following criteria have been met:

1. The proposal will not result in a concentration of such uses that would be harmful to the Local Shopping Centre's vitality and viability;
2. The proposal will not result in loss of amenity in terms of noise, smell, litter or traffic generation;
3. The proposal will not prejudice the character and appearance of the local centre and its immediate environment.

Exceptionally loss of shopping area uses (Class A) at ground floor level will be permitted where the replacement uses are themselves appropriate to a shopping frontage.

Furthermore paragraph 8.30 states that existing convenience shopping facilities should be retained wherever possible. Chapters 2 and 3 of the NPPF are concerned with ensuring the vitality of local centres and the rural economy. Paragraph 28, bullet point 4, states that authorities should 'promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship'.

Planning policy does not therefore specifically restrict the loss of retail use at the first floor level, subject that any proposal does not have a significant impact on the vitality of the local centre. Also the possible loss of the A1 space on the ground floor for an A2 use could be acceptable subject to compliance with the relevant policies listed above.

### The impact on the Green Belt

The proposal is within the settlement area of Ripley and is entirely surrounded by existing development. Therefore there is no in principle objection to the proposed re-development of the existing building and it would not have a significant or detrimental impact on the openness of the Green Belt.

### Reduction and change of A1 use to A1 and A2

The proposal would involve the loss of A1 shopping area on the top floor. The existing first floor retail space is considered to be of marginal viability, with Wyllie and Mar furniture shop ceasing trading within the last year. However an A1 or A2 use would be retained on the ground floor with an active frontage. It is also important to note that 128 High Street, which was formerly part of the same retail unit, would continue to be used as a separate retail unit at the ground and first floor. The loss of the A1 use at the first floor of Teulon House would therefore not be harmful to the Local Shopping Centre's vitality and viability.

The applicant states that the change of use of the ground floor retail unit to a more flexible A1/A2 use would broaden the opportunities of maintaining the building in active trading in the long term. Policy S9 allows the change of use of the A1 use to A2 subject to the criteria set out above. In this case there would still be a number of retail units (A1) in the surrounding area as well as a number of A2 and A3 uses. It is therefore considered that if the unit was used for an A2 use it would not result in a concentration of A2 uses to the detriment of the Local Shopping Centre's vitality and viability, the character of the area or result in the loss of amenity.

The proposal is therefore deemed to be acceptable in this regard.

#### The impact on the character and appearance of the existing building and site

The proposed design of the works to the rear of the building relate well to the appearance of the existing building, maintaining the multiple pitched roof form of the rear elevation and remaining subservient to the front element of the building. The works to the rear of the property would significantly improve the appearance of the rear of the building which is structurally and visually in a poor condition. The proposed timber sash windows to the front elevation would also improve the appearance of the first floor. The rear extension is considered to be in keeping with the scale of the existing building, extending only a further 2.6 metres from the existing rear elevation.

The proposal is therefore considered to have an acceptable impact on the appearance and scale of the existing building.

#### Heritage considerations

Statutory provisions:

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

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

NPPF provisions:

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 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 131-135 sets 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.

This application proposes development affecting the setting of the adjacent listed buildings Cranford Cottage and 1 to 3 Cobham Cottage and the Ripley Conservation Area. The Council's Conservation Officer has assessed the proposed scheme. The Conservation Officer advises that the styling is in keeping with the existing building and does provide a certain order to the rear elevation. The significant chimney stack feature, to the rear of the property would be retained. No objection is raised to the change of use of the ground floor unit to A1/A2. The fact that the extension is to the rear of the building and therefore not easily visible from the street scene means that the proposal would preserve the character of the Conservation Area in accordance with policy HE7 and HE9 of the saved Local Plan. Furthermore the proposed solar panels would also be located on the central western facing roofslope of the proposed extension, ensuring that the solar panels would not be visible from the wider Conservation Area or face towards the adjacent listed buildings. The acceptable design and scale of the proposal and siting of the solar panels means that it is not considered to have an adverse affect on the setting of the adjacent listed building in accordance with policy HE4 of the saved Local Plan.

As such the application will result in no material harm to the designated heritage assets, as have been identified above, and having due regard to Section(s) 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990 permission no objection is raised to the proposal in terms of heritage considerations.

#### The impact on neighbouring amenity

The proposal would be located 10 metres away from the nearest of the new dwellings located to the south of the site, which have been approved under 12/P/01134, and 4 metres away from 1 Cobham Cottages. When a 45 degree line is drawn from the rear corner of the proposed extension the line would not conflict with the rear elevation of 1 Cobham Cottages indicating that there would not be a significant loss of light to this property. The proposed extension would be located well away from Cranford Cottage. As such the proposal is not considered to result in a significant loss of light to the neighbouring dwellings of 1 to 3 Cobham Cottages or the new dwellings to the south or cause an unacceptable overbearing impact to these dwellings.

In terms of overlooking, the only first floor windows which would face 1 to 3 Cobham Cottages would be high level rooflights and one obscure glazed bathroom window. A condition is recommended to ensure that the side window remains obscure glazed and is restricted in terms of opening. As such the proposal is not considered to result in an unacceptable loss of privacy to 1, 2 and 3 Cobham Cottages.

The proposal would also introduce new rear facing windows, that allow views towards the new development to the rear of the site. The closest dwelling would be located 10 metres from the rear bay window. However, due to the orientation of the new dwelling the proposed windows would not allow direct views in to habitable rooms. The windows would allow views towards the rear garden, but given the 10 metre separation distance and the oblique angles to the garden area the level of overlooking is not considered to be unacceptable. The change use of the ground floor of the building from A1 to A1/A2 is not considered to be materially different to the existing use. The proposal is therefore considered to comply with policy G1(3) of the Saved Local Plan.

#### The provision of adequate amenity space

The proposed scheme is for two 1 bedroom dwellings, which are not likely to be used as family accommodation. The properties would be spacious one bedroom flats and the site is also within close proximity of the Village Green, which offers . Therefore whilst there would be no provision of private amenity space no objection is raised in this regard.

#### Impact on protected species

The applicant has submitted a bat survey information. An initial survey was carried out in May and June 2013. Evidence was found that part of the clay tiled roof, the western side, is likely to be used as a male roost or transitional roost by the Common Pipistrelle. An updated walkover report was carried out in May 2015 which shows that the situation had not changed since the initial surveys were undertaken. The report concluded the proposal would not have a detrimental impact on bats subject to adequate mitigation measures. It is considered that these mitigation measures could be imposed and controlled by suitably worded planning conditions.

#### Archaeology

The site lies within the designated Area of High Archaeological Potential for the historic centre of Ripley. The County Archaeologist has commented that it is likely that archaeological evidence relating to the origins and development of the settlement will exist here. The submitted Heritage Assessment suggests that the site is located within an area that could reasonably be expected to have a moderate potential to contain remains dating to the medieval settlement. As such, a condition is recommended to ensure that further archaeological evaluation (and any further measures) is carried out prior to the commencement of the development. The proposal therefore accords with the NPPF in this respect.

#### Location of bin store

The bin stores for both the proposed flats and the ground floor retail unit would be integrated within the proposed ground floor extension. This would ensure that the bins are easily contained within the building and that the area is kept tidy so as not to cause a material amenity impact to neighbouring residents.

#### Parking and highway consideration

The proposal would provide one cycle and one parking space per one bedroom flat. This is considered to be an acceptable level of parking for the two residential units, which would also meet the Council's maximum parking requirements for residential development.

Under the Council's parking standards an A1/A2 unit of 171 square metres would require a maximum parking provision of 6 car parking spaces. In this case the proposal would provide 2 parking spaces. However, a Ministerial statement in March 2015 removed maximum parking standards stating that "Local Planning Authorities should only impose local parking standards for residential and non residential development where there is a clear and compelling justification that it is necessary to manage their local road network".

The existing context of the site must therefore be taking into account. The current site, under planning permission 12/P/01134 only has enough parking for 4 cars and almost double the amount of retail space at the unit than currently proposed. There is also a significant amount of on street parking available on the High Street and there are a number of public car parks in the village such as at Ripley Green and White Hart Court. No objection has been raised by the Surrey County Council Highway Authority regarding the layout and number of parking spaces provided in terms of manoeuvrability and impact on the local road network. Therefore, taking into account the existing context of the site and surrounding area and the recently approved planning application, no objection is raised to the level of parking provision at the site.

The County Highway Authority has also assessed the scheme with regard to the suitability of the existing access and traffic generation. Again no objection has been raised. Therefore the proposal is considered to be acceptable in this regard.

### Sustainability

In order for the development to comply with the Council's Sustainable Design and Construction SPD 2011, the two flats would need to achieve a 10% reduction in carbon emissions.

The Energy Statement, by Blue Sky Unlimited, submitted as part of the application concludes that the application would achieve a 16% reduction in carbon emissions through the use of solar PV panels located on the roofs of the proposed dwellings, as shown on the proposed plan 1251/P601. These proposals are considered to be acceptable and could be secured by condition and therefore the proposal is acceptable in terms of carbon emissions.

### Thames Basin Heaths Special Protection Area

The proposed development may adversely impact the TBHSPA. The Council's adopted TBHSPA Avoidance Strategy 2009-2016 (January 2015) requires a SANG contribution of £6,974.18 and an Access Management contribution of £1,131.26 to avoid any adverse impact. The applicant has agreed to enter into a S.106 agreement to secure this contribution.

Legal agreement

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 2009-2016 (January 2015). 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 2 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. Provided that a S.106 agreement is in place to mitigate against the likely significant effect on the TBHSPA, the proposed development would be considered acceptable in planning terms in this regard.

**Conclusion.**

The principle of the proposed development is found to be acceptable. The proposal would not have a detrimental impact on the character and appearance of the site, would not result in a material harm to the designated heritage assets, would not cause a significant impact to neighbouring amenity or material parking or highway safety issues. The proposal is also considered to be acceptable in terms of impact on protected species and sustainability. The applicant has agreed to sign a legal agreement which secures contributions for the protection of the Thames Basin Heaths Special Protection Area.

**RECOMMENDATION:**

**(i) That a S106 agreement be entered into to secure:**

- **A SANGS contribution of £6,974.18, and an Access Management and Monitoring Contribution of £1,131.26 (in accordance with the adopted tariff of the SPA Avoidance Strategy) to mitigate against the impact on the Thames Basin Heaths Special Protection Area**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004. In pursuance of Section 196D of the Town and Country Planning Act 1990 and Sections 74 and 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1251/P601, P602, P604, S601, S603, S604 received on 7/5/2015 and 1251/S602A, P603A received 19/6/2015.

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

3. No development shall take place 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. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

4. No work shall take place until detailed drawings and/or samples of all new external joinery details including windows (depth of reveal, method of opening, details of heads, cills and lintels), and doors have been submitted to and approved in writing by the local planning authority. The submitted details be at a scale of not less than 1:20 sample elevations, horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building is satisfactory and in the interest of the character and appearance of the conservation area. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external doors and windows goes to the heart of the planning permission.

5. No demolition/development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development. It is considered necessary for this to be a pre-commencement condition because satisfactory archaeological investigation goes to the heart of the planning permission.

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 1251/P601, 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 /turning areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plan 1251/P601 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

8. The solar panels as detailed by Blue Sky Limited in the Energy Statement dated 15/04/2015 to ensure a 10% reduction in carbon emission shall be implemented, as shown on drawing number 1251/P601, prior to the first occupation of the development and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To optimise renewable energy and its conservation.

9. The development hereby permitted shall not be occupied until the bin store facilities shown on the approved plan 1251/P601 have been fully implemented and made available for use. The bin store facilities shall thereafter be retained for use by the users/occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for waste are provided.

10. The development hereby approved shall be carried out in accordance with the mitigation measures detailed on pages 8-11 of the Sue Harris Walkover Bat Survey dated 7th May and 6th June, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate against the harm to protected bats.

11. 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.



12. The first floor bathroom window in the east elevation of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

**Informatives:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:

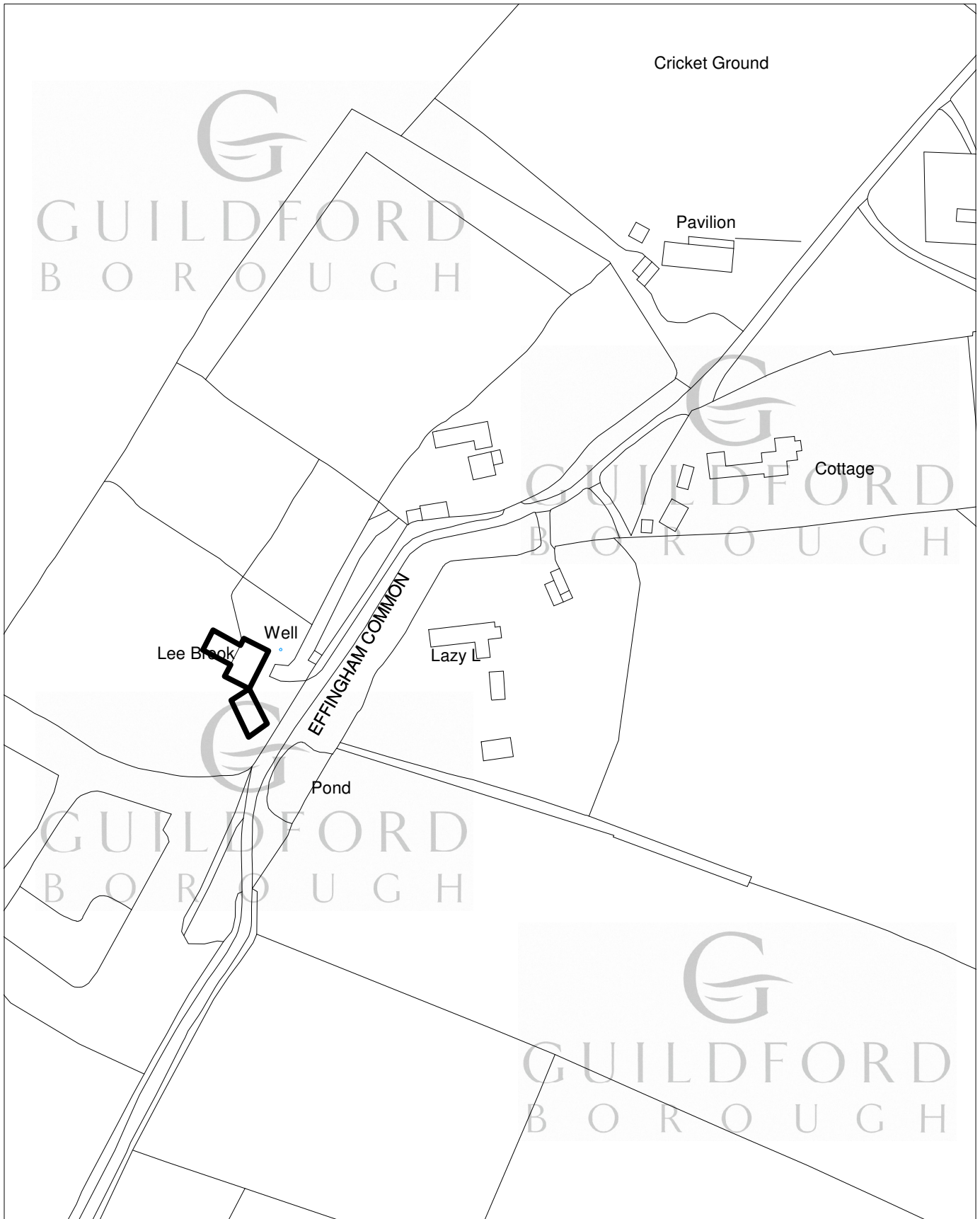
- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant entered into pre application discussion and further changes were sought throughout the application process.

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)

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# 15/P/01034 Leebrook, Effingham Common, Effingham, KT24 5JE



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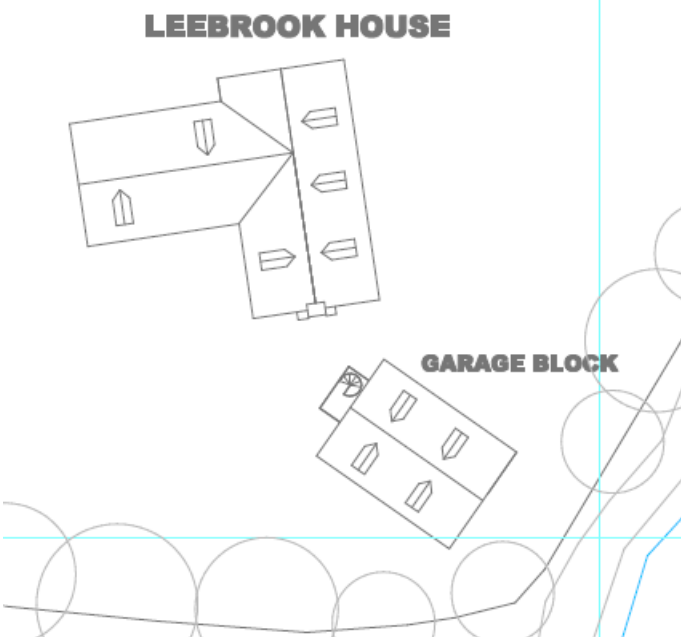
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Not To Scale



15/P/01034 Leebrook, Effingham Common, Effingham



**App No:** 15/P/01034      **Type:** F      **8 Wk Deadline:** 29/07/2015  
**Appn Type:** Full Application  
**Case Officer:** Michael Parker  
**Parish:** Effingham      **Ward:** Effingham  
**Agent :** Mr Norman Picken      **Applicant:** Mr Richards  
Norman Picken Associates      Leebrook  
Send Lodge      Effingham Common  
1 Send Road      Effingham  
Send      Leatherhead  
Surrey      KT24 5JE  
GU23 7EN

**Location:** Leebrook, Effingham Common, Effingham, Leatherhead, KT24 5JE

**Proposal:** Insertion of six dormer windows with one new gable end window and one new gable end tall window with Juliet Balcony to roof of main house, four dormer windows to existing garage together with an external spiral staircase with doorway.

This application has been referred to the Planning Committee at the request of Councillor Liz Hogger, who considers that the application may be a disproportionate addition to the dwelling and may have an impact on the character of the area, which may be contrary to policies G5 and H9 of the Guildford Borough Local Plan 2003.

**Site description.**

The property is a two storey detached dwelling and detached garage situated on a rural private road. The surrounding properties are of a mixed style and on very large plots. The site is located within the designated Green Belt, outside of the settlement boundary.

**Proposal.**

Insertion of six dormer windows with one new gable end window and one new gable end tall window with Juliet Balcony to roof of main house, four dormer windows to existing garage together with an external spiral staircase with doorway.

**Relevant planning history.**

04/P/02520 - Rebuilding of existing outbuilding/store to larger dimensions. Refused 10/01/2005

04/P/00012 - Detached two storey dwelling with detached garage following demolition of existing dwelling. Approved 24/02/2004 - *Increase over original dwelling of 50.4%*

02/P/00439 - Detached two storey dwelling with detached garage following demolition of existing dwelling. Approved 23/04/2002 - *Increase over the original dwelling of 36%*

01/P/00750 - Detached two storey four bedroom dwelling with detached double garage following demolition of existing building. Withdrawn 25/07/2001

98/P00010 - New stable block containing five stables Approved 24/03/1998

GU/R 11340 - Residential Development. Refused.

**Consultations.**

County Highway Authority:

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirement

Parish Council:

- This would be the only property in the locality with 3 storeys for residential living.
- There would be an increase in light pollution in this sensitive area.
- The proposed balcony would be inappropriate considering the location.
- The gable end windows are not appropriate in this locality.

**Third party comments:**

1 letter of representation has been received raising the following objections and concerns:

- potential for garage to be separate accommodation in the Green Belt
- additional residents would increase traffic to area
- access is via a permissive bridle way, which is not owned by the applicant [Officer note: this is not a material planning consideration].

**Planning policies.**

The following policies are relevant to the determination of this application.

**National Planning Policy Framework (NPPF)**

Core planning principles

Chapter 7. Requiring good design

Chapter 9. Protecting Green Belt land

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

G1 General Standards of Development

G5 Design Code

H9 Extensions to Dwellings in Countryside

RE2 Development Within the Green Belt

**Supplementary planning documents.**

Residential Extensions 2003.

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the Green Belt
- the loss of a small dwelling
- the impact on the scale and character of the existing building
- the impact on neighbouring amenity

### The principle of development

The principle of extending dwellings in the Green Belt is acceptable provided the development complies with the relevant policies of the saved Local Plan.

Policy H9 of the saved Local Plan notes that extensions to dwellings in the countryside will be permitted provided that the development:

- Will not result in the loss of a small dwelling;
  - Will have no unacceptable effect on the scale and character of the dwelling;
  - Will have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight; and
1. Will have no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.

In addition to the above criteria, outside the identified settlements and within the Green Belt there will be a presumption against extensions to dwellings, which result in disproportionate additions taking into account the size of the original dwelling. The original dwelling means the dwelling and domestic outbuildings as existing on 01 July 1948; or if no dwelling existed on that date then the dwelling as first built thereafter, excluding any extensions or outbuildings built after completion of the dwelling.

### The impact on the Green Belt

Policy RE2 of the Guildford Local Plan 2003 allows limited extensions to dwellings within the Green Belt provided they are in accordance with policy H9. Policy H9 of the Guildford Borough Local Plan 2003 states that for properties in the Green Belt and outside of identified settlement boundaries, there would be a presumption against extensions to dwellings which result in disproportionate additions, taking into account the size of the dwelling as it stood on 1st July 1948.

Paragraph 5.39 of saved policy H9 makes it clear that when considering extensions to dwellings, the 'original building' means the dwelling or domestic outbuildings as existing on 1 July 1948; or if no dwelling existed on that date then the 'original building' means the dwelling as first built after 1 July 1948 excluding any extensions or outbuildings built after completion of the dwelling. This is because an important aim of Green Belt policy is to prevent dwellings growing incrementally over time thereby progressively eroding the openness of the Green Belt.

Having regard to the above, the 'original' dwelling is that what existed on the site prior to 1948 or as built. Based on the analysis carried out the existing dwelling consists of an overall increase in floor space by 51% due to the approved application 04/P/00012 for a replacement dwelling.

The current proposal is for a 6 dormer windows in the main house and 4 dormer windows to serve the garage. The dormer windows for the house are 0.9m x 1.8m which would equate to 9.7sqm. The 4 dormers for the garage measure 0.8m x 1.7m and would be an increase of 5.3sqm. This is an increase of 8%, and a cumulative increase of 59%. Whilst the cumulative increase in floorspace is high the proposal adds limited bulk and mass to the dwelling and garage, due to the small size of the proposed dormer windows. The majority of the new habitable floor space is therefore contained within the limits of the existing dwelling and garage building. As such, the proposed development is not considered to result in a disproportionate addition when compared to the original dwelling.

Furthermore, permitted development rights were not removed as part of the planning permission 04/P/00012. It is therefore of note that the existing loft space could be used to provide habitable accommodation without planning permission.

The proposal therefore complies with policies RE2 and H9 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 20/09/07) and the requirements of the National Planning Policy Framework (NPPF).

Consideration also needs to be given to whether the dormer windows would adversely impact on the openness of the Green Belt. The proposed dormer windows would be attached to the main roof for both the dwellinghouse and the garage.

The site lies outside the identified settlement in the Green Belt. Whilst it lies adjacent to a large area of undeveloped Green Belt land, this is separated from the site by a dense mature trees meaning that the proposed development would not be prominent. The increase in the bulk of the roof from the proposed dormer windows would be very modest and would not harm the openness of the Green Belt. The proposal is acceptable in this respect and complies with development plan policies.

#### The loss of a small dwelling

The existing internal habitable floor area of the property exceeds 85 square metres and is therefore not classed as a small dwelling. The proposal therefore complies with policy criterion 1 of H9 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007).

#### The impact on the scale and character of the building and surrounding area

The proposed dormers would have pitched roofs with fenestration to match the host dwelling and be of a small scale which is considered appropriate to the host dwelling. The dormer windows would follow the Council's guidance on dormer design as:

2. the window panes would align with the windows below
3. the sides of the dormers would be set in significantly from the edge
4. Narrow cheeks to the side
  - the cill level of the windows would meet the roof plane

The dormer windows would not be readily visible from the public domain and would be acceptable in terms of its design and the impact upon the character of the area. The proposed stair case to the upper floor of the garage would be on the side elevation of the garage facing the house. However, it is noted that there is concern in relation to the use of the garage as sperate accommodation. It is noted that the garage under application 04/P/00012 is conditioned so that the 'garage accommodation on the site shall be kept available for the parking of vehicles at all times.' As such the use of the garage should be conditioned to remain incidental to the enjoyment of the dwellinghouse. The proposal therefore, complies with development plan policies in this respect and is acceptable. Nevertheless, a condition limiting use of the outbuilding is recommended.

It is therefore considered that the development, would not harm the scale and character of the existing property and the surrounding area. For this reason, the proposal complies with policies G5 and H9 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007).



The impact on neighbouring amenity

The proposed dormer windows and conversion of the roof space would not protrude beyond the existing eaves level of the property and would not result in a loss of light to the neighbouring properties.

The dormer windows themselves would look out toward the boundary which consists of well established mature tree lines, the open field to the rear and are over 60m away from the opposite neighbour Lazy L separated by the mature tree line and the private road. The dormer windows would not result in any more overlooking than may already be the case from the existing front and rear facing windows. The tall window with Juliette balcony to the rear of the property facing west will again look out onto the mature tree lined boundary and does not overlook any neighbouring properties. The small window proposed in the north elevation is of a small scale, screened by existing mature trees within the site and approximately 90m away for the neighbouring property. The proposal is acceptable in terms of its impact upon neighbouring properties and complies with development plan policies in this respect.

As such, it is considered the proposal would not have a significant impact on the neighbouring properties (and other properties in the vicinity) in terms of loss of privacy, loss of light and an overbearing impact. For this reason, the proposal complies with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007).

**Conclusion.**

The principle of the proposed development is found to be acceptable as it does not result in a disproportionate addition to the original dwelling. The proposal would not have a detrimental impact on the character and appearance of the site and would not cause a significant impact to neighbouring amenity.

**RECOMMENDATION:**

**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: Location Plan, Leebrook / Dormers / House Roof 01, Leebrook / Dormers / House Roof 02, Leebrook / Dormers / House Roof 03 received on 03/06/2015 and Leebrook / Dormers Garage 01A received on 28/07/2015.

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

3. The out building shall only be used for purposes incidental to the enjoyment of the main dwellinghouse at Leebrook and shall at no time be occupied as a separate dwellinghouse.

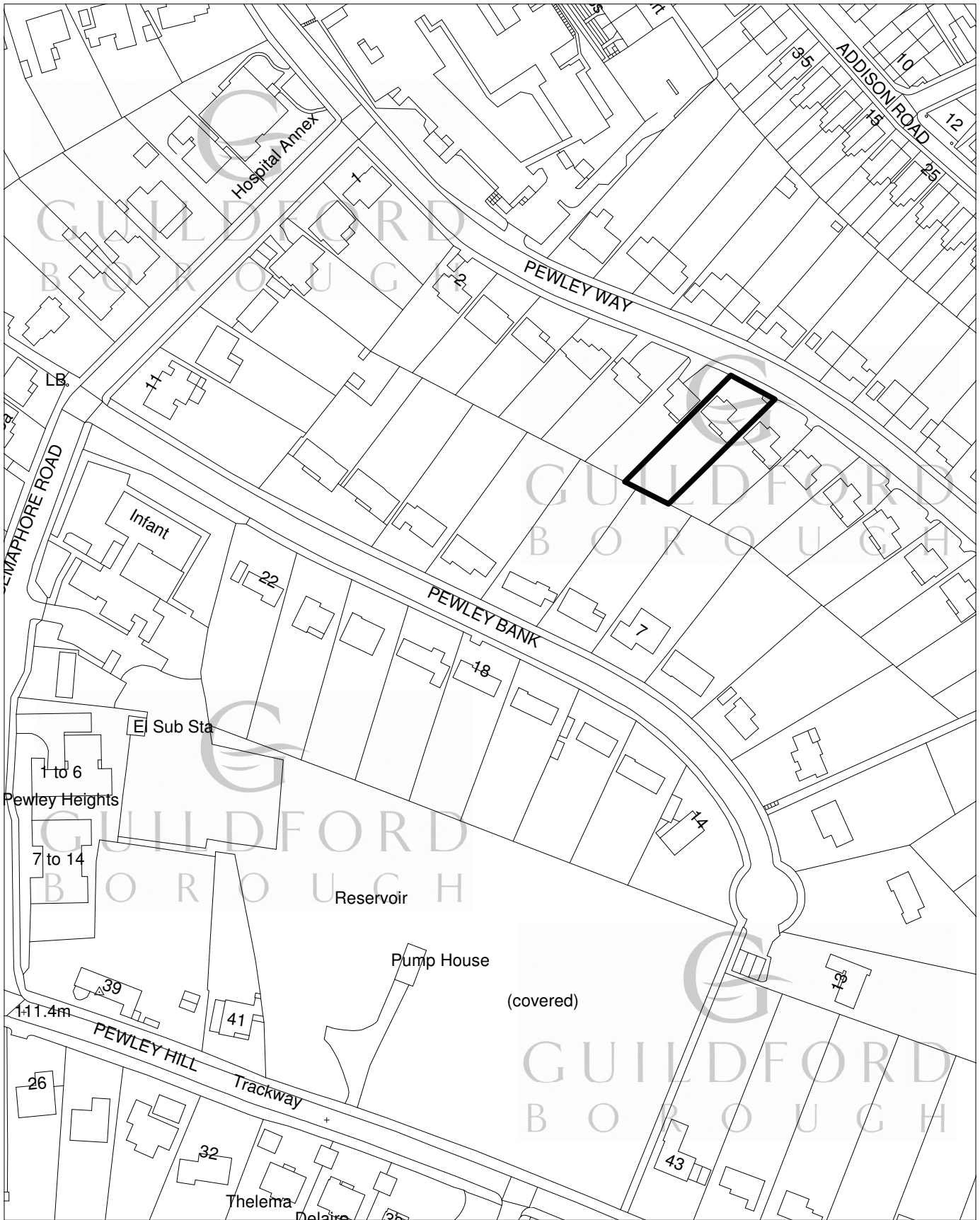
Reason: Due to the unique circumstances of the case to achieve the optimum viable use of a building that makes a contribution to the conservation area and openness and permanence of the Green Belt.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
  - offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant has not entered into pre application discussions, however, the scheme submitted was considered acceptable. No further changes were sought throughout the application process.

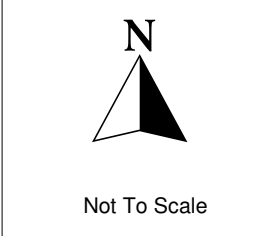
# 15/P/01103 - 14 Pewley Way, Guildford



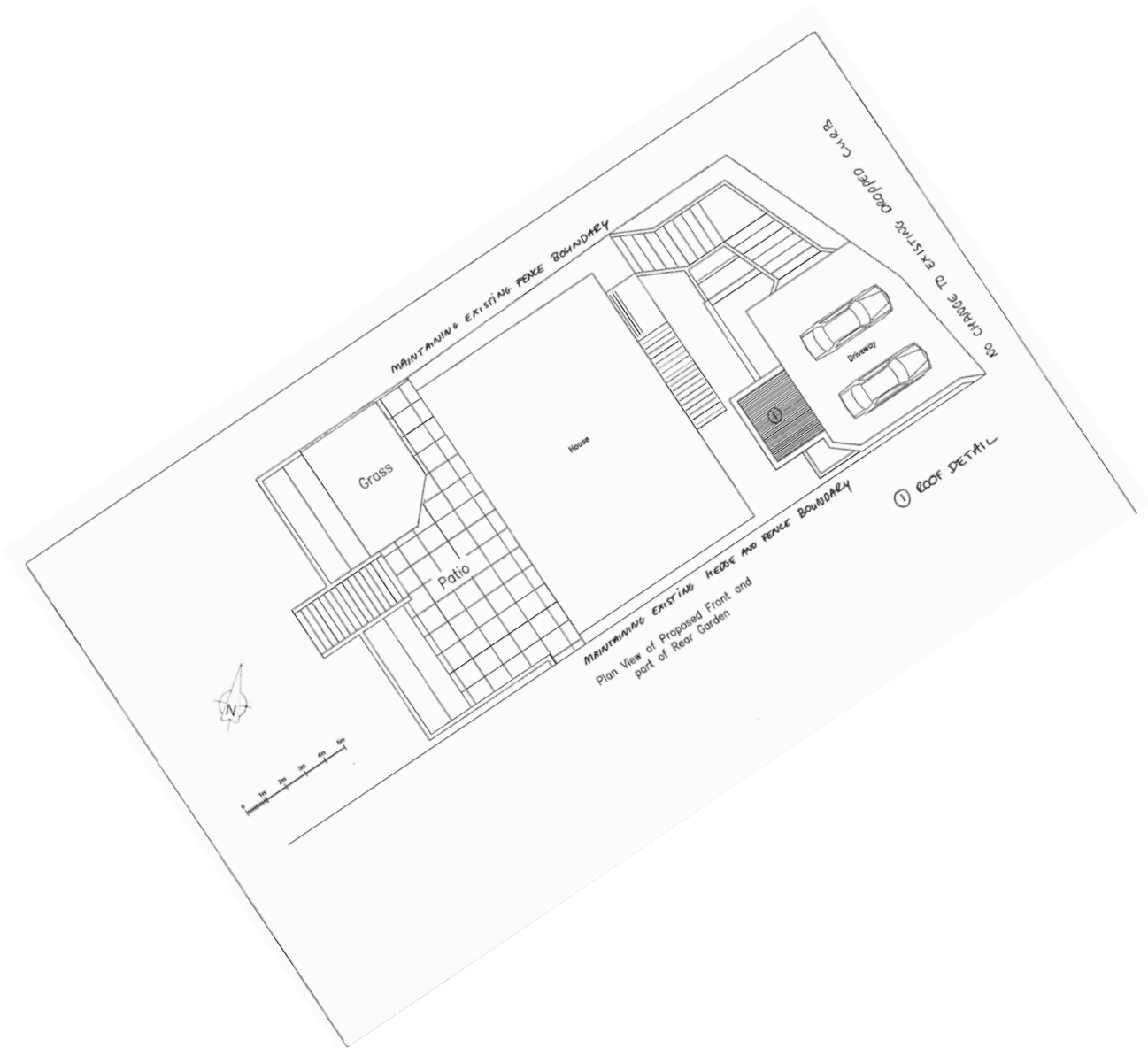
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15/P/01103 – 14 Pewley Way, Guildford



Not to scale



## **Consultations.**

County Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

### Holy Trinity Amenity Group: Objection

- concerned at the very wide of the driveway, which may require a further drop kerb [Officer note: the applicant has stated on the plans that the crossover would remain as existing]
- concern over sightline [Officer note: there is no proposed change to the existing access]
- no details regarding drainage
- no details are given of the parking surface or of vegetation to green the front area [Officer note: the applicant has stated that the paving would be silver Acheson@Glover block paving]

### **Third party comments:**

None received.

## **Planning policies.**

The following policies are relevant to the determination of this application.

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

Core planning principles

Chapter 7. Requiring good design

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

H8 Extensions to Dwellings in Urban Areas

G1 General Standards of Development

G5 Design Code

### **Supplementary planning documents.**

Residential extensions SPG

## **Planning considerations.**

The main planning considerations in this case are:

- the impact on the appearance of the site and character of the area
- the impact on neighbouring amenity
- highway/parking considerations

### Impact on the appearance of the site and character of the area

The proposed re-landscaping of the rear garden would not be visible from the streetscene and would be similar to other rear gardens in the area. As such the proposal would not have a detrimental impact on the appearance of the site and dwelling or character of the surrounding area.

In terms of the proposed works to the front of the property, during the site visit it was apparent that many of the properties in the immediate vicinity along the southern side of the road already have wide parking areas for two cars. The design and layout of front garden areas along the southern side of Pewley Way varies significantly.

In this case the proposal would widen the existing area of hardstanding and lower the level of the hardstanding to reduce the steepness of the driveway. The front garden would still however have a 6 metres long front boundary wall. A new storage shed with a dual pitched roof would also be erected to the rear of the hardstanding area. The plans confirm that the hedge running along the eastern boundary with 16 Pewley Way would be retained. The wider driveway with a lower level shed would not result in an incongruous or prominent form of development and is not an uncommon feature among properties in this street. The applicant has submitted details of the proposed roof tiles, bricks and brick pavers. The hardstanding would be silver Acheson@Glover block pavers and the bricks would be Ibstock Melton Antique Blend. The roof tiles of the shed would match those of the existing dwelling. The materials are considered to be of an acceptable appearance and quality which would be in keeping with the existing materials along Pewley Way and that of the existing dwelling.

It is considered that the proposed alterations would not have a detrimental impact on the appearance of the existing dwelling and site or the character of the surrounding area. The proposal is therefore considered to comply with policy H8 and G5 of the saved Guildford Borough Local Plan 2003.

#### Impact on neighbouring amenity

The proposal involves works to both the front and rear of the property.

In terms of the proposed works to the front driveway the works would remain at a lower level than the two neighbouring dwellings 12 and 16 Pewley Way. The proposed garage conversion would not result in any enlargement to the front of the dwelling and as such the proposal would not cause a material impact to the neighbouring occupants in terms of overbearing impact, loss of light and loss of privacy. Given the nature of the works there would also be no material harm to dwellings located to the north of the site.

The proposed re-landscaping of the rear elevation would involve changes to the level of the rear garden. The neighbouring dwelling to the west, 12 Pewley Way, already has a similar rear garden in terms of levels and the plans show that the existing rear fence would be retained or replaced where necessary. As such the proposal would not cause a material harm to the occupants of this dwelling in terms of loss of privacy and overbearing impact.

The neighbouring dwelling to the east, 16 Pewley Way, has a large boundary hedge along its boundary which ensures adequate privacy between the two properties. The proposed plans state that this hedge would be retained as existing and therefore the amenity of the neighbouring would not be materially affected by the proposed garden works in terms of loss of privacy and overbearing impact.

The proposal is therefore considered to comply with policy H8 and G1 of the saved Guildford Borough Local Plan 2003.

Highway/parking considerations

The proposal would improve the parking situation for the occupants of number 14 by making the driveway less steep. Two cars would also be more easily parked on the proposed new driveway. The County Highway Authority has raised no concerns in terms of impact on highway capacity and highway safety.

As such the proposal is deemed to be acceptable in terms of parking and highway.

**Conclusion.**

The proposal would not have a detrimental impact on the appearance of the existing site or that of the surrounding area, would have no material impact on neighbouring amenity and would not impact on highway safety or capacity.

**RECOMMENDATION:**

**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: Pewley/001 (Proposed rear garden, plan view), Pewley/001 (Proposed rear garden, sectional view), Pewley/001 (Existing plan view, existing front elevation), Pewley/002, Pewley/003, Pewley/004, Pewley/005, Pewley/006, Pewley/007 received on 18 June 2015 and Existing and Proposed Ground Floor Plan received 26 June 2015.

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

3. The external finishes of the development hereby permitted shall be as listed below, unless otherwise agreed in writing.

- bricks - Ibstock Melton Antique Blend
- block paving - Acheson@Glover - Plaza paving Silver
- roof tiles for new storage shed - match roof tiles of main house

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



**Informatives:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:

- offering a pre-application advice service
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

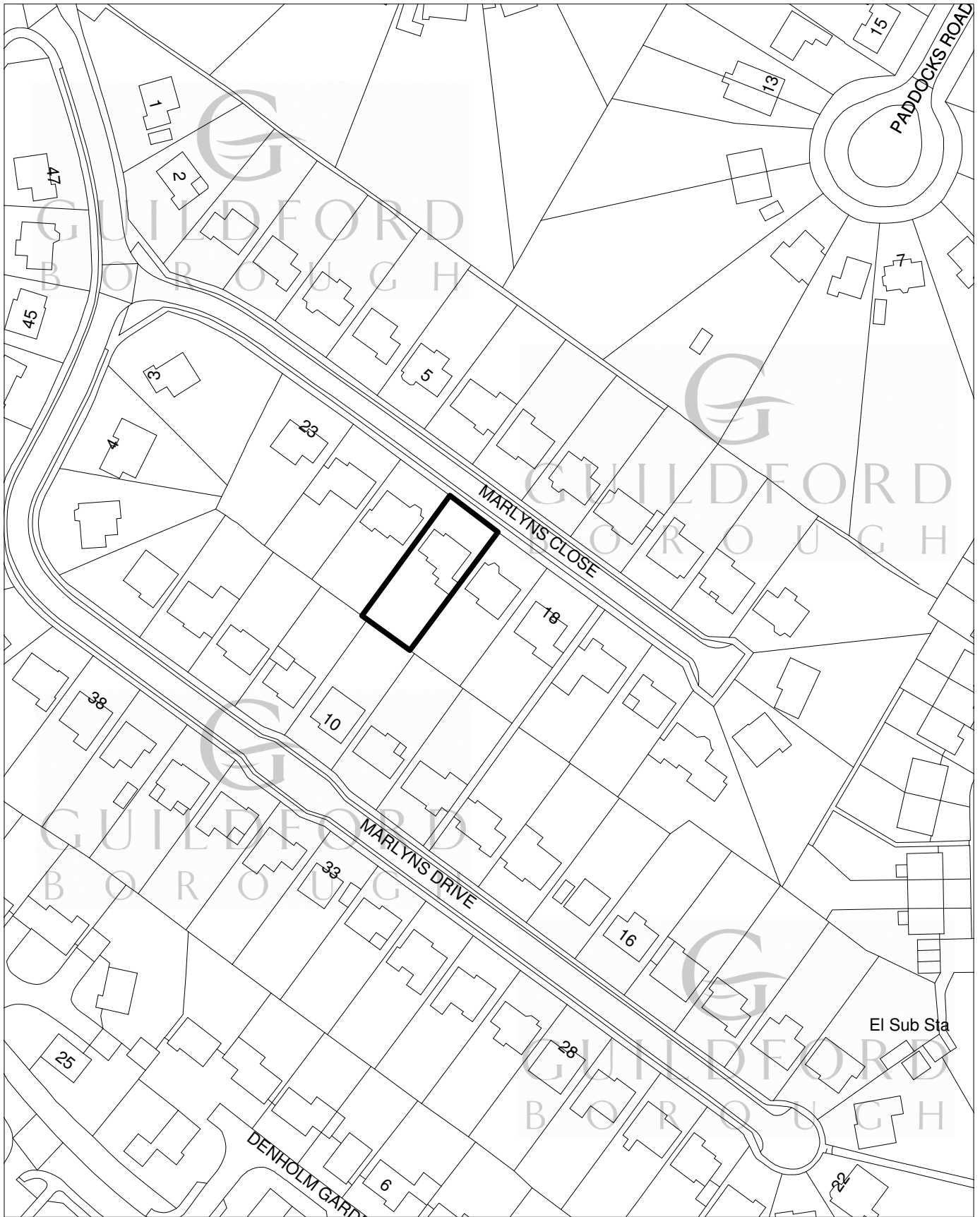
In this instance the applicant did not enter into pre application discussion and no further changes were sought throughout the application process.

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. The applicant is reminded that cars must only use the existing crossover to enter and exit the driveway. Any further widening of the crossover and dropped kerb would need approval from Surrey County Council.

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# 15/P/01156 - 20 Marlyns Close, Guildford, GU4 7LR



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Not To Scale



15/P/01156 – 20 Marlyns Close, Guildford



Not to scale

**App No:** 15/P/01156      **Type:** F      **8 Wk Deadline:** 11/08/2015  
**Appn Type:** Full Application  
**Case Officer:** Chris Gent  
**Parish:** Burpham      **Ward:** Burpham  
**Agent :** Mr Ingram      **Applicant:** Mr & Mrs McIntyre  
CMI Associates      20 Marlyns Close  
Unit 1 Howard Buildings      Guildford  
69      Surrey  
71 Burpham Lane      GU4 7LR  
Guildford, Surrey  
GU4 7NB

**Location:** 20 Marlyns Close, Guildford, GU4 7LR  
**Proposal:** Proposed single storey front bay extension with mono-pitched canopy roof over. Replacement of shallow mono-pitched roof with gabled roof. First floor side and rear extension.

This application has been referred to the Planning Committee at the request of Councillor Mike Piper who considers that the proposed wrap around extension would be out of character with the surrounding area.

### **Site description**

The site is located within the urban area of Guildford. The area is characterised by a mix of dwellings of differing designs. The site itself is a two storey detached house with clay tile pitched roof with catslide to the side and single storey rear extension.

### **Proposal**

Proposed single storey front bay extension with mono-pitched canopy roof over. Replacement of shallow mono-pitched roof with gabled roof. First floor side and rear extension.

### **Relevant planning history**

None relevant

### **Consultations**

#### **Third party comments:**

1 letter of representation has been received raising the following objections and concerns:

- plans do not show a north point
- proposed introduction of a gable end and increasing the roof height of the existing single storey extension would overshadow neighbouring property
- 5m two storey rear extension would overshadow the neighbouring property and result in overdevelopment of the plot
- concerns regarding flat roof

Agenda item number: 5(9)

- comments regarding noise/traffic
- concerns regarding loss of garage space
- loss of garden space

1 letter has been received supporting the proposal

### **Planning policies**

The following policies are relevant to the determination of this application.

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

Core planning principles

Chapter 1. Building a strong, competitive economy

Chapter 7. Requiring good design

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

G1 General Standards of Development

G5 Design Code

H8 Extension to Dwellings in Urban Areas

### **Supplementary planning documents**

Supplementary Planning Guidance: Residential Extensions 2003

### **Other documents:**

The Burpham Neighbourhood Plan 2014-2034

[Officer note: The Burpham Neighbourhood Forum formally submitted the neighbourhood plan on Friday 31 October 2014. The Council consulted on the plan in April and May 2015 and the plan was examined in July and August 2015. The next stage is a referendum. The plan is now considered as 'emerging' and can be accorded weight in both plan making and decision taking. At this stage the Neighbourhood Plan carries little weight in decision making.]

### **Planning considerations**

The main planning considerations in this case are:

- impact of the proposal on the scale and character of the existing building and the surrounding area
- impact on neighbouring amenity
- parking issues

### **Impact of the proposal on the scale and character of the existing building and the surrounding area**

This application seeks permission for the erection of a first floor side and rear extension which would wrap-around the existing building.

Whilst the proposed first floor extension would represent a substantial addition to the side and rear of the dwelling, the overall size, bulk and mass would remain less than the main house and the lowered ridge line would ensure that the proposal appears subordinate to the main section of the dwelling.

In terms of design, the proposal would incorporate a hipped roof with flat roof on top. Whilst the proposed flat roof is not a design approach generally supported, in this particular case it would be relatively small and would not result in such harm that it would adversely impact on the character of the existing house. The proposal would have facing brickwork to match existing and clay tile hanging at first floor. These materials are considered acceptable.

The proposal also includes a bay window extension to the front with mono-pitched canopy over. In addition, a gabled pitched roof is proposed over the existing single storey side addition. Due to the scale and design, these works are considered acceptable.

The proposal also comprises the conversion of the existing garage into habitable accommodation. This would involve the removal of the existing garage door and replacing this with a new window. The size, design and proportion of the window would be in keeping with the existing windows.

Given the above, the proposal would not jeopardise the character or appearance of the property, nor would it have an adverse affect on the context and character of the adjacent buildings and immediate surroundings. As such, the proposal complies with policies H8 and G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) and Supplementary Planning Guidance: Residential Extensions 2003.

#### Impact on neighbouring amenity

The properties most affected by the proposal are 19 Marlyns Close and 21 Marlyns Close which are the immediately adjoining neighbours to the east and west respectively.

Due to the separation distance and relationship between the application property and 19 Marlyns Close, and the lack of side windows on this neighbours side elevation facing towards the site, the proposed development would not result in unacceptable loss of light or overbearing affect on this property. The proposal would not encroach within 45 degrees of the centre of this neighbouring property's nearest rear windows.

With regard to privacy, the proposal would include a first floor window on the side elevation facing 19 Marlyns Close; this would serve an en-suite. To prevent any issues of overlooking/loss of privacy a condition is recommended ensuring that this is obscured glazed.

21 Marlyns Close is situated to the west of the site. Due to the relationship and separation distance between the application property and 21 Marlyns Close and the lack of side windows on this neighbours side elevation facing towards the site, the proposed development would not result in unacceptable loss of light or overbearing affect on this property. The proposal would not encroach within 45 degrees of the centre of this neighbouring property's nearest rear windows.

With regard to privacy, the proposal would include a first floor window on the side elevation facing 21 Marlyns Close; this would serve a bathroom. To prevent any issues of overlooking/loss of privacy a condition is recommended ensuring that this is obscured glazed.

Given the above, the proposal would not have a detrimental impact on the neighbouring amenities and as such are in accordance with policies G1(3) and H8 of the saved local plan.

Parking issues

The parking space provided by the garage would be removed as a result of the proposed conversion. However, there is sufficient space for the parking of two vehicles within the front of the application site, clear of the highway, in accordance with the Council's Supplementary Planning Document on Vehicle Parking Standards.

The proposal would therefore accord with the requirements of policy G1(1) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/07).

**RECOMMENDATION:**

**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: A15/104/8A, A15/104/7A, A15/104/3 rev A, A15/104/6 rev A, A15/104/5 rev A, A15/104/2 rev A, A15/104/4 rev A, A15/104/1 rev A received on 16/06/2015.

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

3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

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

4. The first floor window (ensuite) in the south-east elevation of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

5. The first floor window (bathroom) in the north-west elevation of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.



**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. In accordance with paragraphs' 186 and 187 of the National Planning Policy Framework, Guildford Borough Council take a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by
  - Offering a pre application advice service
  - Updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the proposal was acceptable as submitted and therefore no amended revisions were required.

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**Planning Committee**

**2 September 2015**

**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 2003 (as saved by CLG Direction on 24 September 2007) 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. Copies of the decisions marked \* are attached. Copies of all appeal decisions are placed in the Members' Room. If Councillors wish to have a copy of a particular decision letter, they should contact Sophie Butcher (Tel: 01483 444056). Appeal numbers 1-8 listed below were deferred from the 12 August 2015 meeting.

<p>1.</p>	<p><b>Mr Philip Watkins</b>  <b>Blythewood, Farley Heath Road, Farley Heath, GU5 9EW</b></p> <p><b>14/P/01781</b> – The development proposed is described on the application form as ‘extension for elderly parents to live. Built between existing house and garage. No other changes to existing.’</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues in this appeal are whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the NPPF and secondly the effect on the openness of the Green Belt.</li> <li>• Government policy in the Framework identifies development that would not be inappropriate in the Green Belt. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.</li> <li>• Policy H9 of the Guildford Borough Council Local Plan, adopted in 2003, states a presumption against extensions to dwellings in the Green Belt which result in disproportionate additions taking into account the size of the original dwelling.</li> <li>• There is a serious degree of inconsistency with the Framework in relation to this matter. Having regard to paragraph 215 of the Framework this significantly limits the weight that policy H9 can be afforded.</li> <li>• As a result, the policy is considered out of date and, in deciding this appeal, paragraph 14 of the Framework applies.</li> <li>• The Council calculates that there would be about a 57% increase in floor area but this is in relation to the dwelling on the site in 1948, which no longer exists. I calculate that there would be an increase of about 35% in relation to the existing dwelling, which comprises the original dwelling for the purposes of the Framework.</li> <li>• In the terms of the Framework there would, in consequence, only be an increase in size of just over a third, which I consider relatively modest.</li> <li>• The Council expressed concern that the enlarged dwelling would appear unduly elongated as the extension would infill a gap between the side of the existing dwelling and a detached garage.</li> <li>• The width of the extension would be less than half of that of the existing dwelling.</li> </ul>	<p><b>*ALLOWED</b></p>
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	<ul style="list-style-type: none"> <li>• Moreover, the resultant overall building would have a relatively articulated form due to the varied ridge heights and eaves levels, together with the forward projection of the garage. This would significantly limit the perceived scale, bulk and mass of the enlarged property.</li> <li>• In my view, rather than appearing unacceptably elongated, the enlarged dwelling would have a more natural, balanced, symmetrical and proportionate appearance.</li> <li>• Although attached to the resultant enlarged property, the garage would have a lower ridge height and be relatively subordinate in scale.</li> <li>• I conclude that the proposal would not result in disproportionate additions over and above the size of the original building, despite the overall length of the enlarged property.</li> <li>• The scheme would not therefore comprise inappropriate development in the Green Belt for the purpose of the Framework.</li> <li>• The location of the extension between the main part of the dwelling and the garage would significantly limit the perceived reduction in openness.</li> <li>• Although the openness of the Green Belt would inevitably be reduced, it would not therefore be materially harmed.</li> </ul>	
<p>2.</p>	<p><b>Mr Julian Bailey</b>  <b>High Barn, High Barn Road, Effingham, KT24 5PR</b></p> <p><b>14/P/01780</b> – The development proposed is a replacement dwelling, together with ancillary development including basement, swimming pool and associated infrastructure and landscaping.</p> <p>Planning Committee: 7 January 2015          Decision: To Refuse          Officers Recommendation: To Approve</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.</li> <li>• The appeal concerns a detached dwelling that is located adjacent to High Barn Road. It comprises a main two-storey part with single storey projections, an attached barn garage and a detached single storey pool annexe. The dwelling was formed by the conversion of a barn and stables.</li> <li>• It is considered that the existing buildings do not have any particular visual, historic or architectural importance. I conclude that there is no justification for rejecting the principle of replacing the existing dwelling.</li> <li>• The new dwelling would be in a reasonably standalone position due to the distance from other properties, together with the intervening vegetation, while dwellings in the locality are of a reasonably varied design anyway. The overall amount of glazing and consequent potential for light pollution would not seem to me to be significantly greater than that of the buildings to be replaced.</li> <li>• I see no reason to object to the contemporary flat roof style of the new dwelling. The resultant hard surfaces proposed for access and car parking would be broadly comparable in extent to those serving the existing dwelling so that there would be no significant net increase.</li> <li>• The new dwelling would be significantly further back from the road than the existing buildings. It would include a significant basement floor, below</li> </ul>	<p><b>*ALLOWED</b></p>

	<p>ground level. There would be an increase by about 17%. The height above ground level would be up to about 7.2 metres compared to 7.5 metres for the existing dwelling. Most significantly the above ground footprint of buildings on the site would be reduced by about 55%.</p> <ul style="list-style-type: none"> <li>• This would result in a substantially more compact layout by comparison to the existing arrangement of buildings. The new dwelling would also have a residential curtilage about 28% smaller in area than that of the existing property. The result would be a substantially reduced perception of the extent of built development and residential use.</li> <li>• A significant part of the existing dwelling is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB), however that now proposed would be located entirely outside of the AONB.</li> <li>• Rather than resulting in a loss of visual interest, there would be a significant enhancement to the primarily open and undeveloped character and appearance of the AONB and the adjacent countryside, which I consider to be their most important attribute.</li> <li>• The benefit would be readily apparent from High Barn Road, as well as the public footpath and bridleway, due to the reduced prominence of built development. In consequence, the natural beauty of both the AONB and its setting would be conserved and enhanced.</li> <li>• The proposal is one that would enhance the character and appearance of the locality and AONB, while also increasing the openness of the Green Belt.</li> </ul> <p>Costs Decision – the appeal was made against the refusal of planning permission for a replacement dwelling, together with ancillary development including basement, swimming pool and associated infrastructure and landscaping.</p> <ul style="list-style-type: none"> <li>• The Council claims that the existing property makes an important contribution to the locality. A map suggesting that part of it may originate from the mid-19<sup>th</sup> century has been provided.</li> <li>• However, such limited material does not, in itself, constitute evidence of any significant historic or architectural interest, especially as the dwelling is not a Listed Building or even locally listed and is not located within a Conservation Area. The Council’s Conservation Officer is reported to indicate that the dwelling is not even worthy of being places on the local list.</li> <li>• No attempt has been made to explain why these matters should not preclude the structures being of any particular merit. The Council’s attempt to justify seeking to retain the existing dwelling seems to me to rely on generalised and vague assertions regarding its historic interest and contribution to the landscape. There is an absence of any detailed information that might identify any particular architectural or historic significance.</li> <li>• The Council has failed to substantiate its reason for refusal and has shown no respectable basis for the stance taken.</li> <li>• I therefore find it unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. A full award of costs is therefore justified.</li> </ul>	<p><b>*ALLOWED</b></p>
<p>3.</p>	<p><b>Mrs Amy Jovy</b>  <b>Ash Tree Stables, Ockham Road North, Ockham, GU23 6PF</b></p> <p><b>14/P/01190</b> – The development proposed is erection of 10 loose stable boxes</p>	<p><b>DISMISSED</b></p>

	<p>with tack room and feed room.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are whether the proposal is inappropriate development in the Green Belt for the purposes of the NPPF, the effect of the proposed development on the openness of the Green Belt;</li> <li>• whether any other harm exists, having specific regard to the effect on the character and appearance of the area;</li> <li>• and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.</li> <li>• The appeal site is an open and undeveloped parcel of land located within and surrounded by open countryside. Trees and shrub planting reinforce the sites boundaries, however, this does not obstruct views of the land particularly from Ockham Road North.</li> <li>• The size of the proposed stable building, and in particular the footprint, would be a significant incursion into an area of Green Belt. When taken with the extensive access track needed to connect the proposed stable barn to the entrance from Ockham Road North, I find the proposed development would result in a considerable erosion of the openness of the Green Belt.</li> <li>• The proposed development would therefore fail to preserve the site's openness. It would therefore amount to inappropriate development in the Green Belt.</li> <li>• The proposed development would also cause harm to the character and appearance of the site and the wider open countryside, which amounts to any other harm to the Green Belt.</li> </ul>	
<p>4.</p>	<p><b>Mr Guy Stainer</b>  <b>101 Glaziers Lane, Normandy, Guildford, GU3 2EA</b></p> <p><b>14/P/01685</b> – The development proposed is demolition of existing dwellings and construction of a replacement dwelling.</p> <p>Delegated decision: non-determination</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are:</li> <li>• Whether the proposal constitutes inappropriate development in the Green Belt;</li> <li>• The effect on the openness of the Green Belt;</li> <li>• The effect on the character and appearance of the area;</li> <li>• If inappropriate development whether there are any other considerations which clearly outweigh the potential harm to the Green Belt by way of inappropriate development and any other harm so as to amount to the very special circumstances necessary to justify inappropriate development.</li> <li>• The appeal site comprises a vacant, detached 2-storey dwelling situated on the eastern side of Glaziers Lane. The property has a substantial rear garden, which is somewhat overgrown, with a dilapidated outbuilding.</li> <li>• It is proposed to demolish the existing dwelling and construct a replacement 2-storey, 4-bedroom house. The house would be double fronted and have a hipped crown roof.</li> </ul>	<p><b>DISMISSED</b></p>

	<ul style="list-style-type: none"> <li>• Neither the Framework nor the Local Plan defines ‘materially larger’. The appellant claims that the gross floor area of the proposed dwelling would be around 23.5% greater than the existing house and outbuilding, that this is not disproportionate and that increases greater than this have been accepted elsewhere by the Council.</li> <li>• The proposed dwelling would represent an increase of around 88.5% in volume compared with the existing dwelling on the site.</li> <li>• Clearly, the bulk and mass of the house proposed in this case, particularly at first floor and roof level, would be considerably greater than that currently on the site and I consider this to be a disproportionate increase. As such, I find that the proposal constitutes inappropriate development in the Green Belt.</li> <li>• The increase in the volume of development on the appeal site when compared with the existing situation would reduce the openness of the Green Belt.</li> <li>• I find that the proposed development would not be in scale and character with the area and would have an unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.</li> <li>• Very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.</li> </ul>	
<p>5.</p>	<p><b>Mr and Mrs W Stanley-Evans</b>  <b>Burwood, Shackleford Road, Shackleford, GU8 6AE</b></p> <p><b>14/P/02073</b> – The development proposed is described on the application form as ‘erection of extensions to dwelling at first floor level.’</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues in this appeal are; the effect of the proposal on the character and appearance of the host dwelling and;</li> <li>• The effect on the openness of the Green Belt.</li> <li>• The appeal concerns a two storey detached dwelling of a neo-Georgian style for which planning permission was granted in the 1970’s. The main two storey part of the building has an attractively balanced and highly symmetrical appearance at both the front and the rear.</li> <li>• The appellant suggests that building on top of the flat roof on the single storey part would result in an enhancement to the appearance of the dwelling.</li> <li>• The resultant two storey wing would have a width of about two thirds of that of the existing two storey part. In my view this feature would unbalance the appearance of the dwelling due to its excessive width, mass and scale by comparison to the existing two storey element.</li> <li>• The property would be unacceptably elongated at two storey height, resulting in an undue horizontal emphasis. Because of its width the resultant wing would unduly compete with the main part of the property. I also consider that this effect would be exacerbated by the chimney, which would be a relatively imposing feature.</li> <li>• At the rear of the extension would be flush with the existing dwelling, resulting in a loss of symmetry. The consequent roof at the back would be a particularly discordant feature due to its fairly awkward asymmetrical form.</li> <li>• This adverse effect would be readily apparent from the adjacent dwellings to the rear of the property, despite the overall width of the dwelling not</li> </ul>	<p><b>DISMISSED</b></p>

	<p>increasing. Although well screened from Shackleford Road, the front of the dwelling would be seen by those visiting the property.</p> <ul style="list-style-type: none"> <li>• The development would therefore harm the character and appearance of the host dwelling.</li> <li>• Although the openness of the Green Belt would inevitably be reduced, it would not therefore be materially harmed.</li> </ul>	
6.	<p><b>Mrs Theodora Nicolaou</b>  <b>246 London Road, Guildford, GU4 7LD</b></p> <p><b>15/P/00091</b> – The development proposed is described on the application as ‘first floor extension over existing bungalow’.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling at 248 London Road, with regard to outlook and light levels.</li> <li>• The appeal concerns a detached bungalow, which would be extended upwards to create a first floor with a pitched roof above. The adjacent dwelling at 248 London Road has two bedroom windows to the side in a dormer projection that faces towards the appeal site.</li> <li>• The ridge and eaves of the resultant two storey property would be appreciably higher than those of the bungalow, resulting in significant additional bulk at an unduly close proximity to these windows.</li> <li>• In consequence, there would be an unacceptably oppressive sense of enclosure to the outlook from the bedroom windows, as well as unduly reduced light levels.</li> <li>• As a result the living conditions of the occupiers of the adjacent dwelling would be harmed. In consequence, there would be a conflict with the aims of Guildford Borough Local Plan policies H8 and G1(3) to prevent such adverse effects.</li> <li>• The proposal would also be contrary to the core planning principle of the NPPF that planning should always seek to secure a good standard of amenity for existing occupants.</li> <li>• The fallback scheme would be less harmful in relation to living conditions, while being similarly acceptable with regard to the effect on the character and appearance of the locality.</li> </ul>	<b>DISMISSED</b>
7.	<p><b>Mr Gordon Phillips</b>  <b>North Wyke Farm, Guildford Road, Normandy, Guildford, GU3 2AN</b></p> <p><b>14/P/00779</b> – The development proposed is a residential development to deliver 90 units comprising a mix of 1 &amp; 2 bedroom flats, 2, 3 &amp; 4 bedroom houses and 3 shop units.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are:</li> <li>• The effect on the character and appearance of the area;</li> <li>• Whether significant adverse effects on the Thames Basin Heaths Special Protection Area (SPA) would be avoided;</li> </ul>	<b>DISMISSED</b>



	<ul style="list-style-type: none"> <li>• The effect on other ecological interests;</li> <li>• The effect on local infrastructure;</li> <li>• Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.</li> <li>• The appellant advises that the proposed development would reflect the relatively modern development known as Walden Cottages off Westwood Lane. It seems to me, however, that this group of buildings is itself an anomaly in the rural landscape that fails to reflect the otherwise linear form of the settlement. The proposed development would compound this visual anomaly, significantly increasing its visual impact and further eroding the linear character of the settlement.</li> <li>• Furthermore, its scale and form, including some three storey development, would introduce a suburban appearance at odds with the rural settlement and this would be manifested in a much more dense form of development, even compared to the Walden Cottage development.</li> <li>• I acknowledge that the detailed layout and appearance of the development remain reserved matters at this stage but the indicative layout and other information provided do not, in my view, demonstrate that the site could satisfactorily accommodate the scale of development proposed without harm to the character of the area.</li> <li>• The development would harm the character and appearance of the area. As such, it would be in conflict with policies G5(1) and G5(2) of the Local Plan which require that development respect local context including established street patterns, along with the scale, height and proportions of the surroundings; and the requirement for good design contained within the Framework. I attach significant weight to this harm.</li> <li>• The appellant produced a draft Planning Obligation at the hearing which seeks to provide the necessary contributions of £376,077.57 and £17,562.36 for SANG and Access Management respectively. However, the draft agreement was not completed and was not signed by the Council or the Mortgagor.</li> <li>• As such, the development would be likely to result in significant adverse effects on the SPA and no mitigation or avoidance measures are proposed. The development would conflict with policies NE1 and NE4 of the Local Plan, the AS and Part 11 of the Framework.</li> <li>• The Phase II Ecological Survey (June 2015) identifies a single bat roost within the site, the presence of slow worms and common species of nesting birds, all of which are protected by law. However, overall the site is considered to be of low conservation value having been grazed heavily by horses. The report contains a range of mitigation and enhancement measures which, the Council agreed during the Hearing, would be sufficient to mitigate the harm arising from the development.</li> <li>• Little evidence has been provided by the Council with regard to capacity at existing schools or open spaces and no specific projects were identified for expenditure of the proposed contributions. Although I am mindful of the sites rural location and the scale of the proposed development, in the absence of any firm evidence I am unable to conclude that the contributions accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.</li> <li>• The proposed scheme would be inappropriate development in the Green Belt as defined by the Framework and would by definition be harmful to the Green Belt, a matter to which I attach substantial weight. In addition, the development would harm the openness of the Green Belt; the character and</li> </ul>	
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	<p>appearance of the rural settlement; the integrity of the SPA; and fail to provide affordable housing. Very special circumstances have not been demonstrated to justify the development.</p>	
<p>8.</p>	<p><b>Mr Michael Bailey</b>  <b>Dapple Light, Priors Hatch Lane, Hurtmore, Godalming, GU7 2RJ</b></p> <p><b>14/P/01493</b> – The development proposed is one house with access to Priors Hatch Lane.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are whether the proposal constitutes inappropriate development in the Green Belt for the purposes of policy RE2 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework;</li> <li>• The effect on the openness of the Green Belt;</li> <li>• The effect on the character and appearance of the area; and</li> <li>• If inappropriate development whether there are any other considerations which clearly outweigh the potential harm to the Green Belt by way of inappropriate development, and any other harm, so as to amount to the very special circumstance necessary to justify inappropriate development.</li> <li>• The site falls within the Green Belt as defined in the Guildford Borough Council Local Plan (2003). Although it is within an enclave of housing, the site is outside any defined settlement boundary.</li> <li>• The appellant argues that the proposal constitutes limited infilling in a village which is not considered to be inappropriate development. However, as set out above, the site is not within a defined settlement boundary and so the proposal cannot be considered to be infilling.</li> <li>• I find that the proposal constitutes inappropriate development in the Green Belt contrary to policy RE2 and the Framework. It would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.</li> <li>• The introduction of new dwelling would therefore result in a reduction in the openness of the Green Belt. The Framework states that openness is one of the essential characteristics of Green Belt and so this weighs against the scheme.</li> <li>• Siting, external appearance and landscaping are reserved matters. This is a sizeable site, and any new dwelling would be some distance from the adjoining dwellings. There is no reason for me to conclude that a house could not be designed which would complement the existing street scene and protect the amenity of the adjoining occupiers in accordance with the design requirements of Local Plan policies G1 and G5 and the adopted Sustainable Development and Construction Supplementary Planning Document (2005).</li> <li>• I do not consider that the substantial harm to the Green Belt which has been identified is clearly outweighed by the personal needs of the occupiers of Dapple Light. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.</li> </ul>	<p><b>DISMISSED</b></p>
<p>9.</p>	<p><b>Mr Duncan Gass</b>  <b>Oak Farm, Jesse Lane, Peaslake, Guildford, GU5 9RT</b></p>	

	<p><b>14/P/01610</b> – The development proposed is the construction of an oak framed clad garage building.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are:</li> <li>• Whether the proposal constitutes inappropriate development in the Green Belt; and</li> <li>• Its effect on the openness of the Green Belt, the setting of the grade II listed building (Oak Farm) and the landscape of both the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV).</li> <li>• The proposal is to build a three bay timber garage building, to be located well away from the house, next to an outdoor tennis court.</li> <li>• Paragraph 87 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</li> <li>• Paragraph 89 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for 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.</li> <li>• Guildford Borough Council Local Plan 2003 policy H9 advised that applications for garages or domestic outbuildings will be considered as extensions to the dwelling.</li> <li>• The previously existing outbuilding was part of the historic built form of the site and it is not to my mind crucial whether its use was domestic or agricultural.</li> <li>• LP policies RE2 and H9 state a presumption against extensions to dwellings which would result in disproportionate additions, taking into account the size of the original dwelling. I refer back to the original building as existing in 1948 taking the Framework’s criterion as being the most up-to-date expression of policy.</li> <li>• It appears to me that a significant, but not disproportionate increase in built form has taken place since 1948.</li> <li>• The proposed garage would be modest in scale and height in comparison to the historic built development at the site.</li> <li>• Although the currently existing outbuilding represent s a slight increase in size and there have been extensions to the house as well, I find that this relatively small outbuilding would not amount to a disproportionate addition, even when taken cumulatively with other changes.</li> <li>• I conclude that the proposal is not inappropriate development in the Green Belt and would not harm the setting of the listed building or the landscape of the AONB and AGLV.</li> </ul>	<p><b>*ALLOWED</b></p>
<p>10.</p>	<p><b>Mr Roger Furlong</b>  <b>18 Cabell Road, Guildford, Surrey, GU2 8JE</b></p> <p><b>15/P/00127</b> – The development proposed is the erection of a first floor side extension.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p>	<p><b>*ALLOWED</b></p>

	<ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the character and appearance of the building and the local area.</li> <li>• The Council’s Supplementary Planning Guidance Residential Extensions (SPG) advises that there may be a ‘terracing’ effect when gaps between houses are filled by extensions.</li> <li>• I see no necessity for this pair of semi-detached houses to remain balanced in scale and form. The houses are of a straightforward design which is not in architectural terms particularly notable or sensitive.</li> <li>• The proposed extension would fit in with the general appearance of the building and others in the area.</li> <li>• The proposed set-back from the side boundary would help to preserve a visual gap between buildings, thus avoiding the impression of a single, long terrace.</li> <li>• I note that similar extensions have been built at Nos 58 and 82 Cabell Road and that these extensions blend well into the mix of house types, causing no discernible harm to the street scene.</li> <li>• I conclude that the proposal would not harm the character or appearance of the building or the local area.</li> <li>• I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. The use of matching materials is necessary in order to protect the character and appearance of the area.</li> </ul>	
<p>11.</p>	<p><b>Mr &amp; Mrs Druce</b>  <b>5 Downsway, Guildford, Surrey, GU1 2YA</b></p> <p><b>14/P/02320</b> – The development proposed is demolition of existing garage and side single storey section of the house and construction of a rear single storey extension, a replacement garage with ancillary residential accommodation over part of the garage, a new dormer window at the rear of the house and raising a dormer window at the front of the house.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are the effect of the proposed garage on the living conditions of No 4 Downsway; and</li> <li>• The effect of the proposed garage building on the character and appearance of the area.</li> <li>• I noted the existing garage is somewhat unobtrusive when viewed from No 4, with only the roof plane being visible over the boundary.</li> <li>• The proposed garage would be taller than the existing garage and would add more built form along the boundary with No. 4. However, the flank wall of the proposed garage would not be significantly larger than the existing garage, and would not unduly protrude over the common boundary. The main roof would slope away from the boundary thus would alleviate the effect of the structure would otherwise have.</li> <li>• Because the garage would largely continue to be viewed against the backdrop of the main dwelling, the proposed garage would not be significantly so prominent, and it would not be of a scale and size which would cause significant harm to the living conditions of No.4.</li> <li>• These effects would be limited only to the side patio area, which forms only a very small part of the overall rear garden, which is considerable in size and would not be so affected by the proposal.</li> <li>• I find that the proposed garage would not significantly harm the living</li> </ul>	<p><b>*ALLOWED</b></p>

	<p>conditions of the occupiers of No.4.</p> <ul style="list-style-type: none"> <li>• I find the proposed development would have no significant harm to the character and appearance of the area.</li> </ul>	
12.	<p><b>Mrs Jane Stevens</b>  <b>The Paddocks, Rose Lane, Ripley, Woking, GU23 6NE</b></p> <p><b>14/P/00867</b> – The development proposed is change of use of land for a caravan site for single extended family with associated utility building, hard standing, fencing and cess pool.</p> <p>Planning Committee: 22 October 2014          Decision: To Refuse          Officers Recommendation: To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• At the hearing a signed S106 Agreement was submitted. It makes provision for financial contributions in respect of the Thames Basin Heaths Special Protection Area (TBHSPA). This overcomes the Council’s third reason for refusal and I have taken this into account.</li> <li>• The development has already taken place. The site lies within the Metropolitan Green Belt, the parties agree that the development comprises inappropriate development in the Green Belt.</li> <li>• This development has reduced openness. It comprises a mobile home, up to 4 touring caravans, a utility shed, a further shed, vehicles, bins, gates and fencing. Although relatively small the site is mostly hard surfaced with brick paving. Taken together there is a considerable loss of openness.</li> <li>• The appeal site lies in the open countryside to the south of Ripley.</li> <li>• Overall, the harm to the countryside is limited in extent and is only clearly visible from very few public viewpoints. Nonetheless the development is out of keeping with its surroundings and detracts from the character of the area.</li> <li>• There would be some harm to the significance of the designated heritage asset.</li> <li>• The appellant and her family are on the Councils waiting list for sites but as this now runs to 73 families the likelihood of a pitch or site with sufficient capacity to accommodate the whole family coming forward in the near future is slight. Neither the Council nor the appellant know of any vacant sites in the area.</li> <li>• I have given considerable weight to the fact that Surrey Police attended the Hearing to give evidence in favour of the proposals and to give support to the appellant and her family. It is unusual, in my experience, for a family to have such support and it speaks volumes for the contribution that the family has made to the community.</li> <li>• In conclusion, I have made the permission temporary and limited the permission to the appellant and her resident dependents as I have given weight to their personal circumstances in this Decision. Occupation of the site is limited to gypsies and travellers in accordance with the terms of the application.</li> </ul>	<b>*ALLOWED</b>
13.	<p><b>Mr Abdul Azad</b>  <b>Land to the north of, and adjacent to ‘Grafton’, Polesden Lane, Ripley, Woking, GU23 6DX</b></p> <p><b>14/P/01338</b> – The development proposed is erection of a detached 2 storey</p>	<b>DISMISSED</b>

	<p>dwelling and detached double garage.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues in the appeal are:</li> <li>• Whether the proposal would be inappropriate development for the purposes of national and development plan policy;</li> <li>• The effect of the proposal on the openness of the Green Belt; on highway safety, on the Thames Basin Heaths Special Protection Area; and</li> <li>• If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</li> <li>• The appeal site is open land which was formerly part of the curtilage of Grafton, a semi-detached dwelling to the south of the site. This section of Polesden Lane contains a small number of semi-detached dwellings set within spacious plots, with open countryside.</li> <li>• Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate.</li> <li>• I therefore conclude that the development would be inappropriate development.</li> <li>• The siting of even a modest dwelling where no buildings exist at present would detract from the openness of the Green Belt. The development would cause harm to the openness of the Green Belt, contrary to the Framework, which provides that openness is one of the essential characteristics of the Green Belt.</li> <li>• The proposal would have a significantly adverse effect on highway safety in the vicinity, and would be contrary to LP Policy G1(2).</li> <li>• An obligation to secure appropriate mitigation to provide new or enhanced SANG would therefore be required to make the development acceptable in planning terms. No obligation has been submitted by the appellant, and I therefore conclude that the development would be contrary to the development plan and the Framework.</li> </ul>	
<p>14.</p>	<p><b>Mrs Naginah Choudhuri</b>  <b>59 Manor Road, Guildford, Surrey, GU2 9NQ</b></p> <p><b>14/P/00814</b> – The development proposed is two x three bedroom semi-detached dwellings and one x three bedroom detached dwelling with associated access and parking, following demolition of existing dwelling.</p> <p>Planning Committee: 12 November 2014 and 18 February 2015          Decision: To Refuse          Officers Recommendation: To Approve</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are the effect of the proposal on the living conditions of nearby residents particularly in terms of loss of outlook and privacy and;</li> <li>• The privacy of the proposed development on the Thames Basin Heaths Special Protection Area (TBHSPA).</li> <li>• The appeal property, 59 Manor Road, is a detached two storey dwelling on the western side of Manor Road in the urban area of Guildford.</li> </ul>	<p><b>DISMISSED</b></p>

	<ul style="list-style-type: none"> <li>• Both sides accept that there is an identified need for housing in the Borough that is not being met.</li> <li>• Given the scale of the proposal and the proximity to Nos 1 and 38 Percy Road, I consider there would be a material loss for the occupants of both these dwellings.</li> <li>• In relation to no.38 Percy Road, the proposal would result in substantial built form in close proximity that would span the full width of the garden boundary and be prominent above the existing fence to the detriment of the outlook for residents from both the house and the garden.</li> <li>• Overall I consider that the proposal would appear very intrusive and overbearing to the occupiers of both properties.</li> <li>• Given the size and shape of the garden and slightly greater distance to the rear elevation, I consider that the development would not be significantly overbearing to the occupiers of No. 61.</li> <li>• With regard to loss of privacy, the insertion of first floor windows in the rear elevation of the semi-detached dwellings being just 10 metre from the boundary with No 1 Percy Road, at the closest point, would result in a high level of perceived overlooking given the short distances involved, especially as the property is currently not overlooked.</li> <li>• The proposal would still cause unacceptable harm to the living conditions of the occupiers of Nos 1 and 38 Percy Road by reason of loss of outlook to both properties and perceived overlooking to No 1 Percy Road. The proposed development would be contrary to policy H4(2) and G1(3) of the Local Plan. It would also be contrary to the NPPF in that the development would fail to provide a good standard of amenity for all existing and future occupants of land and buildings.</li> </ul>	
<p>15.</p>	<p><b>Mr T Angelis</b>  <b>113 Collingwood Crescent, Guildford, Surrey, Gu1 2PF</b></p> <p><b>14/P/01075</b> – The development proposed is change of use from class A1 and part Sui Generis to Class A5, and the erection of an external ventilation duct to the rear elevation.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue in this appeal is the effect of the proposed external ventilation duct on the character and appearance of the surrounding area.</li> <li>• The proposed extract duct, which would rise slightly above the roof height of the two storey high appeal building, is of a type not uncommonly found on takeaway food premises. However, they are most frequently found attached to main walls of the premises and reduces the visual impact of these generally unattractive structures.</li> <li>• The extract duct proposed in this case would be attached to the single storey part of the building at the rear of the property.</li> <li>• It would be substantially removed from the properties main rear elevation and appear as a largely freestanding structure extending well above the height of that part of the building to which it would be attached.</li> <li>• It would also appear most intrusive seen from a nearby flat above the ground floor of the appeal premises and would appear unsightly and intrusive.</li> <li>• There would be no long-distance views of the proposed extract duct and from some selected medium to short distance views it would be well</li> </ul>	<p><b>DISMISSED</b></p>

	<p>screened by the existing building, garden planting and the two trees adjoining the site. However, the degree to which it would be screened is largely dependent upon the precise location of the viewpoint.</p> <ul style="list-style-type: none"> <li>• It would be possible to require the proposed extract duct to be painted brown as the appellant suggests. However, this would be insufficient for it to fit in significantly better with its surroundings.</li> <li>• It is concluded that that the proposed external ventilation duct would have a detrimental effect on the character and appearance of the surrounding area.</li> </ul>	
16.	<p><b>Mr Ian Davis</b>  <b>Partridge Cottage, Northcote Road, West Horsley, Leatherhead, KT24 6LT</b></p> <p><b>15/P/00091</b> – The development proposed is described on the application as ‘first floor extension over existing bungalow’.</p> <p>Planning Committee: 7 January 2015  Decision: To Refuse  Officers Recommendation: To Approve</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue in the appeal is the effect of the development on the character and appearance of the area.</li> <li>• The appeal property is a detached bungalow set within a generously sized plot, within a residential street.</li> <li>• Well proportioned plots and space around each dwelling, along with mature landscaping, are characteristic features of the locality.</li> <li>• The alteration to the roof forms, introducing cat slide roofs, would reduce the bulk, particularly between the two new dwellings, compared with the refused scheme. I also accept that the eaves and ridge height of the dwellings would be broadly commensurate with that of the two storey properties on either side of the appeal site.</li> <li>• The separation of each dwelling to the side boundaries remains significantly less than that of most other properties within Northcote Road, and the development as a whole would still give the appearance of filling most of the width of the plot.</li> <li>• The two storey elements would be nearest to the side boundaries, emphasising the bulk of the development. This would be in contrast to other neighbouring properties, where dwellings are set well back from at least one boundary or step down to a single storey in height.</li> <li>• The resulting plot widths for each dwelling would be noticeably narrower than others within this section of Northcote Road. Consequently, the appeal proposal would be uncharacteristic of the spacious plots within the immediate locality.</li> <li>• I conclude that the development would cause harm to the character and appearance of the surrounding area.</li> </ul>	<b>DISMISSED</b>
17.	<p><b>Mr Brian Burgess</b>  <b>Ringwood Cottage, Holmbury St Mary, Dorking, Surrey, RH5 6NP</b></p> <p><b>Appeal A</b>  <b>14/P/01157</b> – The development proposed is the division of Ringwood Cottage into two dwellings, with extensions to form new third dwelling and fourth dwelling in grounds.</p> <p>Delegated decision: to refuse</p>	<b>DISMISSED</b>



<p><b>Appeal B</b>  <b>14/P/02134</b> – The development proposed is the division of the existing dwelling into two dwellings, extension to provide garages, parking with accommodation over, re-opening of former doorway in front elevation, fit new door and canopy over, remove high level window in weatherboarded front elevation and replace with centred window, removal of high level window in rear elevation and insertion of patio doors.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b>  Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework:</p> <ul style="list-style-type: none"> <li>• Paragraph 89 of the National Planning Policy Framework indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. One of these exceptions is limited infilling in villages.</li> <li>• The proposed conversion of Ringwood Cottage under both Appeal A and Appeal B would involve the extension of the building to the side. I am satisfied that in both cases the development proposed would be a small scale housing development appropriate to the scale of the locality in the context of Policy RE3. These aspects of the development would not constitute inappropriate development.</li> <li>• The new dwelling proposed under Appeal A would be located to the rear of Ringwood Cottage. By reason of its location on a higher ground level, this new dwelling would be more visually associated with the open space to the west of the site than the built frontage to Holmbury Hill Road.</li> <li>• There would be significant areas of open land to two sides of the proposed dwelling. As such, the proposed new dwelling would not be substantially surrounded by existing development .</li> <li>• I therefore conclude that the new dwelling proposed under Appeal B would be inappropriate development in the Green Belt.</li> </ul> <p>Character and appearance of the Holmbury St Mary Conservation Area:</p> <ul style="list-style-type: none"> <li>• The proposed conversion of Ringwood Cottage under Appeal A and B would involve further substantial extension to the side of the property.</li> <li>• In my view, in both cases this would result in a disproportionate addition to the host property that would detract from the contribution made by the modest scale of the building to the character and appearance of the conservation area.</li> <li>• Plot sizes throughout the wider conservation area are typically generous and in relation to the prevailing character of conservation area as a whole, the more modest plot sizes proposed would appear cramped and out of keeping.</li> <li>• The proposed new dwelling under Appeal B would result in additional built form on the higher ground level at the rear of the site. It would therefore also detract from the contribution made by the terraced garden to the setting of the host property.</li> <li>• The presence of Heathcote at this raised level is an anomaly in this context, and does not justify the proposed new dwelling at the rear of the appeal site.</li> <li>• The proposed development would fail to preserve the character and appearance Holmbury St Mary Conservation Area, the harm to the significance of the designated heritage asset would be less than substantial.</li> <li>• Surrey Hill Area of Outstanding Natural Beauty and the Area of Great</li> </ul>	<p><b>DISMISSED</b></p>
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	<p>Landscape Value:</p> <ul style="list-style-type: none"> <li>• The extension of the existing building proposed under both Appeal A and B would result in the introduction of additional built form within the AONB and AGLV. This would erode the secluded rural landscape at the margin of the AONB, and would therefore fail to conserve the landscape and natural beauty of the wider AONB.</li> <li>• In the absence of clear evidence to show that the proposed car parking arrangements is workable, I must adopt the precautionary principle and conclude that the proposed car parking arrangement could prejudice highway safety on Holmbury Hill Road.</li> </ul>	
<p>18.</p>	<p><b>Mrs Deborah Jarvis</b>  <b>19 Levylsdene, Guildford, Surrey, GU1 2RT</b></p> <p><b>14/P/02231</b> – The development proposed is the remodelling of the existing dwelling.</p> <p>Delegated decision: to refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the character and appearance of the building and the local area.</li> <li>• Levylsdene is a leafy suburban residential street lined by a mix of detached houses and bungalows, many of which have been extended in recent years.</li> <li>• The proposal would comprehensively extend no 19, creating a much taller and bulkier building with large projecting gables front and back. The proposal here would completely transform the house into a substantially larger, more contemporary dwelling, failing to reflect or respect the existing building.</li> <li>• The new building would appear as an overly tall and bulky feature in the streetscene. Its long, full height side elevations would be dominant in some views, appearing out of scale with neighbouring buildings.</li> <li>• The altered house would in particular loom over the low bungalow next door at No 17 due to a combination of massing, height and site levels. The visual screening that would be provided by No 17’s garage and a row of evergreens would not sufficiently mitigate this impact on the street scene.</li> <li>• I conclude that although the proposal would enhance the building itself, it would pay insufficient attention to its surroundings, unacceptably harming the character and appearance of the local area.</li> </ul>	<p><b>DISMISSED</b></p>

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# Appeal Decision

Site visit made on 22 June 2015

**by Michael Evans BA MA MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 July 2015**

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**Appeal Ref: APP/Y3615/D/15/3009023**

**Blythwood, Farley Heath Road, Farley Heath GU5 9EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Philip Watkins against the decision of Guildford Borough Council.
  - The application Ref 14/P/01781 was refused by notice dated 31 December 2014.
  - The development proposed is described on the application form as 'extension for elderly parents to live. Built between existing house and garage. No other changes to existing'.
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## Decision

1. The appeal is allowed and planning permission is granted for a link extension between the house and garage, at Blythwood, Farley Heath Road, Farley Heath GU5 9EW, in accordance with the terms of the application, Ref: 14/P/01781, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the unnumbered amended plans dated 21/11/14 by the Council.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## Preliminary Matters

2. The description of the proposal given on the application form refers to matters that do not comprise development. In the decision above, I have amended this to clearly describe the proposed development.
3. Blythwood was constructed as a replacement dwelling following a planning permission which was granted in 2001. However, the Parish Council claims that the dwelling to be replaced has not been demolished. Nevertheless, this is not a matter for me to consider in this appeal and should be pursued with the Borough Council.

## Main Issues

4. The main issues in this appeal are: firstly, whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework); and, secondly, the effect on the openness of the Green Belt.

## **Reasons**

### ***Inappropriate development***

5. The appeal concerns a detached dwelling located within the Green Belt. Government policy in the Framework identifies development that would not be inappropriate in the Green Belt. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy H9 of the Guildford Borough Local Plan, adopted in 2003, states a presumption against extensions to dwellings in the Green Belt which result in disproportionate additions taking into account the size of the original dwelling.
6. In Annex 2 of the Framework the term 'original building' is defined. This is said to be a building as it existed on 1 July 1948, or if constructed later, as it was built originally. However, the explanatory text to Policy H9 indicates that if there was a dwelling in 1948 then this comprises the original building and only if no dwelling existed then should the existing dwelling, as originally built, be used.
7. In consequence, there is a serious degree of inconsistency with the Framework in relation to this matter. Having regard to paragraph 215 of the Framework this significantly limits the weight that policy H9 can be afforded. As a result this policy is considered out of date and, in deciding this appeal, paragraph 14 of the Framework applies. This indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
8. The Council calculates that there would be about a 57% increase in floor area but this is in relation to the dwelling on the site in 1948, which no longer exists. From the figures provided by the Council, I calculate that there would be an increase of about 35% in relation to the existing dwelling which comprises the original dwelling for the purposes of the Framework. In the terms of the Framework there would, in consequence, only be an increase in size of just over a third, which I consider relatively modest.
9. Nevertheless, the Council expresses concern that the enlarged dwelling would appear unduly elongated as the extension would infill a gap between the side of the existing dwelling and a detached garage. However, even disregarding the outbuilding, the width of the extension itself would be less than half of that of the existing dwelling. Moreover, the resultant overall building would have a relatively articulated form due to the varied ridge heights and eaves levels, together with the forward projection of the garage. This would significantly limit the perceived scale, bulk and mass of the enlarged property.
10. The lower ridge height of the extension in relation to the main part of the dwelling would reflect that of the similarly lower part at the opposite end, despite its ground level being lower. In my view, rather than appearing unacceptably elongated, the enlarged dwelling would have a more natural, balanced, symmetrical and proportionate appearance. Although attached to the resultant enlarged property, the garage would have a lower ridge height and be relatively subordinate in scale.

11. As a result of these factors, I conclude that the proposal would not result in disproportionate additions over and above the size of the original building, despite the overall length of the enlarged property. The scheme would not therefore comprise inappropriate development in the Green Belt for the purposes of the Framework.

### ***Openness of Green Belt***

12. The location of the extension between the main part of the dwelling and the garage would significantly limit the perceived reduction in openness. In any case, the fact that certain categories of development are accepted in the Green Belt means that openness is not automatically compromised by adding new development where currently there is none. The acceptance of extensions that would not result in disproportionate enlargement represents an implicit acknowledgement that there would be a change in the extent of built development. Although the openness of the Green Belt would inevitably be reduced, it would not therefore be materially harmed.

### ***Conclusion***

13. This is a case where the relevant development plan policy is out of date, so that paragraph 14 of the Framework applies. Moreover, the proposal would comply with the Green Belt policies of the Framework, as well as providing additional accommodation and resulting in a more balanced appearance. I have not found that there would be any adverse impacts that might outweigh the benefits and there are no specific policies in the Framework indicating that development should be restricted. It is therefore determined that the appeal succeeds.

### ***Conditions***

14. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt. The facing materials used in the development should match those of the host dwelling in order to protect its appearance.

*M Evans*

INSPECTOR

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## Costs Decision

Site visit made on 22 June 2015

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2015

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### **Costs application in relation to Appeal Ref: APP/Y3615/W/15/3004501 High Barn, High Barn Road, Effingham KT24 5PR**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Julian Bailey and Ms Deborah Tee for a full award of costs against Guildford Borough Council.
  - The appeal was made against the refusal of planning permission for a replacement dwelling, together with ancillary development including basement, swimming pool and associated infrastructure and landscaping.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Planning Committee is not bound to follow the advice received from Officers but must have reasonable grounds when choosing not to do so. This is a case where the Council claims that the existing property makes an important contribution to the locality. A map suggesting that part of it may originate from the mid 19th century has been provided.
4. However, such limited material does not, in itself, constitute evidence of any significant historic or architectural interest, especially as the dwelling is not a Listed Building or even locally listed and is not located within a Conservation Area. Moreover, the Council's Conservation Officer is reported to indicate that the dwelling is not even worthy of being placed on the local list.
5. No attempt has been made to explain why these matters should not preclude the structures being of any particular merit. The Council's attempt to justify seeking to retain the existing dwelling seems to me to rely on generalised and vague assertions regarding its historic interest and contribution to the landscape. There is an absence of any detailed information that might identify any particular architectural or historic significance.
6. In these circumstances the Council has failed to substantiate its reason for refusal and has shown no respectable basis for the stance taken. Therefore the

second bullet point following paragraph 049 of the PPG applies in this case.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. In consequence and regardless of the other concerns raised by the Appellant, a full award of costs is justified.

#### **Costs Order**

8. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Guildford Borough Council shall pay to Mr Julian Bailey and Ms Deborah Tee the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
9. The Applicant is now invited to submit to Guildford Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*M Evans*

**INSPECTOR**





# The Planning Inspectorate

Agenda item number: 6

Room 3/04a  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Appendix 3

Direct Line:  
Customer Services:  
0303 444 5000  
Email:  
despatch.admin@pins.gsi.gov.uk

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Your Ref: 14/P/01780

Our Ref: APP/Y3615/W/15/3004501

Miss S J Willmott  
Guildford Borough Council  
Planning Development Services  
Millmead House  
Millmead  
Guildford  
Surrey  
GU2 4BB

21 July 2015

Dear Miss S J Willmott,

Town and Country Planning Act 1990  
Appeal by Mr & Ms Julian & Deborah Bailey & Tee  
Site Address: High Barn, High Barn Road, Effingham, LEATHERHEAD, Surrey,  
KT24 5PR

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only High Court can quash this decision.

You should also note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly. Please contact the Administrative Court for further information.

Yours sincerely,

*Erin Lindell*  
Erin Lindell

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

## The Planning Inspectorate

### Award of appeal costs:

#### Local Government Act 1972 – section 250(5)

#### How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered, either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment<sup>1</sup>. This is handled by:

The Senior Court Costs Office<sup>2</sup>

Clifford's Inn

Fetter Lane

London EC4A 1DQ

(Tel: 020 7947 7124).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court<sup>3</sup>. This is done by writing to:

The Administrative Court Office

Royal Courts of Justice

Strand

London WC2A 2LL

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or their Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

<sup>1</sup> The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that

came into effect on 26 April 1999. These rules are available online at [http://www.justice.gov.uk/civil/procrules\\_fin/menus/rules.htm](http://www.justice.gov.uk/civil/procrules_fin/menus/rules.htm)

You can buy these Rules from The Stationery Office bookshops or look at copies in your local library or council offices.

<sup>2</sup> Formally named the Supreme Court Costs Office

<sup>3</sup> Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

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# Appeal Decision

Site visit made on 22 June 2015

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2015

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Appeal Ref: APP/Y3615/W/15/3004501

High Barn, High Barn Road, Effingham KT24 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Julian Bailey and Ms Deborah Tee against the decision of Guildford Borough Council.
  - The application Ref 14/P/01780, dated 15 September 2014, was refused by notice dated 9 January 2015.
  - The development proposed is a replacement dwelling, together with ancillary development including basement, swimming pool and associated infrastructure and landscaping.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling, together with ancillary development including basement, swimming pool and associated infrastructure and landscaping at High Barn, High Barn Road, Effingham KT24 5PR, in accordance with the terms of the application, Ref 14/P/01780, subject to the conditions attached to the schedule at the end of this decision.

## Application for Costs

2. An application for costs was made by the Appellants against the Council. This application will be the subject of a separate decision.

## Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

### ***Character and appearance***

4. The appeal concerns a detached dwelling that is located adjacent to High Barn Road. It comprises a main two storey part with single storey projections, an attached barn garage and a detached single storey pool annex. The dwelling was formed by the conversion of a barn and stables.
5. The maps provided by the Council show that there was a building with an 'L' shaped footprint at the site in 1870, while that from a local Councillor shows that a structure of this form was there in 1842. It seems likely that these would comprise the parts later converted to form the main two storey part of the dwelling and the northernmost single storey element projecting towards

- the road. The submitted maps imply that two of the single storey projections were later constructions, one of which postdates 1914. The pool annex building appears to have been constructed even later.
6. Therefore much of the built volume to be removed appears to date from the 20th century. Moreover, even in relation to those parts which may have their origins in the 19th century there is no clear evidence of the extent to which the original fabric remains. This is especially significant given the conversion to residential use following a planning permission granted in 2000. The Council refers to the permitted alterations as sympathetic and considers that much of the agricultural character has been retained, with the previous farm use being easily identified.
  7. However, it seems to me that there has inevitably been a significant degree of domestication, for example by the fairly large number of windows, while there is also a chimney. The window in the west facing end of the northern wing, clearly visible from the road, has a relatively intricate pattern of glazing bars and therefore a particularly prominent and domestic appearance. The wooden door in the wall linking the two wings is another domestic roadside feature. Moreover, the existing property has a somewhat awkward and sprawling layout that detracts from its cohesion. As a result, I consider that its contribution to the streetscene and character of the area is neutral, rather than the positive effect that is suggested in the Council's reason for refusal.
  8. The Council has clearly been aware of the structures for a significant period of time and prior to their conversion. It seems to me that if they were especially attractive or formed a particularly important and cohesive group with the adjacent Victorian dwellings this would be reflected in their heritage status, or that of the locality. However, the site is not located in a Conservation Area and the dwelling does not have Listed Building status, or even appear on the local list.
  9. The Council's report on the conversion application merely asserts that the existing building is attractive but provides no detailed information regarding any historic or architectural interest. My attention has also not been drawn to any policy presumption against the replacement of dwellings that have resulted from the conversion of farm buildings.
  10. Other parties suggest that the converted building remains an example of a typical Surrey vernacular barn, that the road was named after High Barn and that there is a connection to Lutyens. However, despite these claims, it is indicated in the Council's report on the planning application the subject of this appeal that its Conservation Officer takes the view that because of the alterations as a result of the residential conversion the buildings would not be worthy of being designated as a Listed Building, or even placed on the local list.
  11. Due to the above factors and on the basis of the evidence before me, it is considered that the existing buildings do not have any particular visual, historic or architectural importance. I conclude that there is no justification for rejecting the principle of replacing the existing dwelling.
  12. The new dwelling would be in a reasonably standalone position due to the distance from other properties, together with the intervening vegetation, while dwellings in the locality are of a reasonably varied design anyway. The overall amount of glazing and consequent potential for light pollution would not seem

to me to be significantly greater than that of the buildings to be replaced. In consequence, I see no reason to object to the contemporary flat roof style of the new dwelling. The resultant hard surfaces proposed for access and car parking would be broadly comparable in extent to those serving the existing dwelling so that there would be no significant net increase.

13. The new dwelling would be significantly further back from the road than the existing buildings. It would include a significant basement floor, below ground level. There would be an increase in built volume of about 53%, although floor area would only increase by about 17%. The height above ground level would be up to about 7.2m compared to 7.5m for the existing dwelling. Most significantly the above ground footprint of buildings on the site would be reduced by about 55%.
14. This would result in a substantially more compact layout by comparison to the existing arrangement of buildings. The new dwelling would also have a residential curtilage about 28% smaller in area than that of the existing property. The result would be a substantially reduced perception of the extent of built development and residential use. A significant part of the existing dwelling is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB), however that now proposed would be located entirely outside of the AONB.
15. Views of the new dwelling would be significantly limited by fairly substantial vegetation, despite the land falling to the north. If seen, it would tend to be set against a substantial backdrop of trees, integrating it into the landscape. Views from the bridleway and public footpath to the south and west would be significantly more restricted than in relation to the existing property. In any event, the appreciably more compact layout would, in itself, result in the new dwelling having a significantly lesser visual impact on the landscape.
16. As a result of the above factors, rather than resulting in a loss of visual interest, there would be a significant enhancement to the primarily open and undeveloped character and appearance of the AONB and the adjacent countryside, which I consider to be their most important attribute. Moreover, this benefit would be readily apparent from High Barn Road, as well as the public footpath and bridleway, due to the reduced prominence of built development. In consequence, the natural beauty of both the AONB and its setting would be conserved and enhanced.
17. There would be compliance with the aim of Guildford Borough Local Plan, Adopted 2003, Policy RE5 that development should conserve the landscape character of the AONB. Policy H6 is concerned with replacement dwellings in the countryside. Among other things, it seeks to ensure that there would be no unacceptable effect in respect of the context and character of the adjacent buildings and surroundings. Due to the above findings there would be no conflict with this aim.

### ***Other considerations***

18. The site is also located in the Green Belt. Due largely to the reduction in the footprint above ground and despite the greater volume, I take the view that the replacement dwelling would not be materially larger than that to be replaced and the Council has raised no objections in this regard. As a result,

the new dwelling would not comprise inappropriate development in the Green Belt as defined in the National Planning Policy Framework.

19. The presumption against the replacement of existing dwellings in the Green Belt with dwellings that are materially larger, set out in Policy H6, would also not apply. As a result the proposal would also not comprise inappropriate development under the terms of Policy RE2. Furthermore, there would also be a substantial improvement in the openness of the Green Belt due to the reduction in footprint above ground level, which weighs significantly in favour of the development.
20. There is no evidence to justify rejecting the proposal on nature conservation grounds due to the removal of the existing pond, which is a manmade feature. The Council has made it clear that the existing legal agreement prohibiting development in the vicinity does not concern the land on which the proposed dwelling would be built.

### ***Conclusion***

21. The proposal is one that would enhance the character and appearance of the locality and AONB, while also increasing the openness of the Green Belt. In these circumstances and taking account of all other matters raised, there are no considerations sufficient to justify rejecting the proposal and the appeal succeeds. In reaching this decision I have had regard to the views of local residents and other interested parties.

### ***Conditions***

22. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt. A condition specifying the approved plans is therefore justified. The facing materials of the new dwelling and hardstanding surfaces, as well as landscaping and boundary treatments, should be controlled in order to protect the appearance of the locality.
23. An arboricultural method statement and a condition precluding the removal of existing trees and shrubs are needed to protect the existing verdant character of the site. Changes in ground levels within the site and the finished floor and roof levels of the dwelling itself should also be controlled to protect the landscape. Such a condition would cover any changes to levels resulting from cutting and filling. It is also necessary to ensure that the existing pond is appropriately drained.
24. To protect the countryside character of the locality and the AONB it is necessary to require the demolition of the existing buildings and also to remove permitted development rights in relation to matters such as extensions and outbuildings. The latter condition should indicate, for the avoidance of doubt, that the curtilage of the new dwelling comprises that shown on the relevant drawing. It is not necessary to specify that the location of the existing buildings and hardstanding to be removed should be landscaped, as it would be open to the Council to require this when approving soft landscaping.
25. It is not disputed that in order to comply with the Council's Supplementary Planning Document, Sustainable Design and Construction 2011, conditions requiring the dwelling to achieve level 3 of the Code for Sustainable Homes and to achieve a 10% reduction in carbon emissions are justified in the interest of sustainable construction.



26. The County Highway Authority is not reported as suggesting any highways conditions and I see no reason to take a different view.

*M Evans*

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, 002A, 003A, 004A, 005, 010, 011, 012, 030, 031, 100A, 101A, 102A, 200A, 300A, 301A, 303A, 304A, 305, SK223, SK230, SK231A, SK253A, SK254A, SK255, SK256 and SK257A.
- 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling and hardstanding surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) No development shall take place until full details of both hard and soft landscape works, including a timetable for their implementation, have been submitted to and approved in writing by the local planning authority, and these works shall be carried out as approved. Details of hard landscape works shall include boundary treatments. Details of soft landscape works shall include species of trees and shrubs and their sizes and positions. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 5) No development or site clearance shall take place until an Arboricultural Method Statement (AMS) detailing all aspects of construction and staging of works and a Tree Protection Plan (TPP) in accordance with British Standard 5837-2005 (or any later revised standard) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved AMS and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until protective fencing has been erected in accordance with the TPP. Nothing shall be stored, placed or disposed of, above or below ground, in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, no excavations shall be made, nor any fires lit, without the written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site.
- 6) No development shall take place until details of the existing and proposed ground levels including any changes in relation to the infilling of the pond, as well as the finished floor and roof levels of the proposed building, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the drainage of the existing pond have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of the predicted energy use of the dwelling hereby permitted and the types of low or zero carbon technologies to be used in it have been submitted to and approved in writing by the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon

- emissions. The approved technologies shall be installed within the dwelling prior to its occupation and thereafter retained and maintained.
- 9) Prior to occupation of the dwelling hereby permitted, the buildings indicated to be removed, including their foundations and areas of hardstanding, identified on drawing 005 shall be demolished and the resulting waste and materials, with the exception of any materials to be re-used, removed from the site.
  - 10) The dwelling shall achieve Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). The dwelling shall not be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy has been provided to the local planning authority.
  - 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no buildings, extensions or alterations permitted by Classes A, B, or E of Part 1 of the Second Schedule of the 2015 Order shall be constructed within the curtilage of the dwelling hereby permitted. The curtilage shall be as shown on drawing SK230.
  - 12) Other than those shown to be removed no additional trees, hedges or shrubs shall be pruned, felled or uprooted during site preparation and construction works without the prior written consent of the local planning authority. If, within a period of 5 years from the occupation of the dwelling, any retained tree, hedge or shrub is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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# Appeal Decision

Site visit made on 10 June 2015

**by R W Allen B.Sc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 July 2015**

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**Appeal Ref: APP/Y3615/W/14/3001492**

**Ash Tree Stables, Ockham Road North, Ockham GU23 6PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Amy Jovy against the decision of Guildford Borough Council.
  - The application Ref 14/P/01190, dated 26 June 2014, was refused by notice dated 12 August 2014.
  - The development proposed is erection of 10 loose stable boxes with tack room and feed room.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
  - The effect of the proposed development on the openness of the Green Belt;
  - Whether any other harm exists, having specific regard to the effect on the character and appearance of the area; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

3. The appeal site is an open and undeveloped parcel of land located within and surrounded by open countryside. Trees and shrub planting reinforce the site's boundaries; however this does not obstruct views of the land particularly from Ockham Road North. The pleasant character of the site and the wider area, with long views over open and undisturbed countryside, is readily appreciable from the vicinity of the site.
4. The appeal site lies within the Green Belt. The Framework establishes national Green Belt policy. Policy RE2 of the Guildford Local Plan 2003(LP) also deals with the Green Belt.

*Whether inappropriate development*

5. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. Paragraph 89 of the Framework sets out those categories of development which may be regarded as not inappropriate. The provision of appropriate facilities for outdoor sport and outdoor recreation is one such use, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. LP policy RE2 (2) is consistent with paragraph 89 of the Framework.
7. In this instance, the size of the proposed stable building, and in particular the footprint, would be a significant incursion into an area of Green Belt. When taken with the extensive access track needed to connect the proposed stable barn to the entrance from Ockham Road North, I find the proposed development would result in a considerable erosion of the openness of the Green Belt.
8. The proposed development would therefore fail to preserve the site's openness. It would therefore amount to inappropriate development in the Green Belt. It would not accord with the Framework or with LP policy RE2 (2). I have attached significant weight to this harm.

*Character and appearance*

9. LP policy R12 (1) and (2) permits non-commercial horse-related development in positions where it minimises its impact on the countryside. Development must also be small scale and its design and materials in keeping with the character and appearance of the area.
10. I acknowledge that the appellant has attempted to minimise the visual effect of the proposed stable barn by positioning it at some distance from the site's access point on Ockham Road North, and that it would be set against the backdrop of tall boundary trees. I also acknowledge that the timber material to be used in the construction of the proposed barn would be appropriate. However, its considerable size and ground coverage, taken with the inevitable traffic and vehicle parking associated with the scale of the use, would be both a prominent and highly visible addition on the land, which would be an unwelcome intrusion into the area's rural and undeveloped character. This constitutes other harm to the Green Belt which I also attach considerable weight to.
11. The appellant has made reference to a number of other structures in the vicinity, in particular a horse shelter on land adjacent to the appeal site. While I am not aware of the particular circumstances of these other developments, I did note that they were infrequent and much smaller in scale than the current proposal. In general, they were not obtrusive or discordant; rather they sat

comfortably within their wider context and did not undermine the area's rural character.

12. I have considered whether the imposition of appropriately worded conditions could limit this effect, such as a scheme of landscaping to mitigate the harm from its size. However, in this case there is a limit to which landscaping could be effective, such that I find a harmful change in the character and appearance of the site would be inevitable.
13. I therefore find the proposed development would harm the character and appearance of the area. It would amount to any other harm for the purposes of the Framework. It would also not accord with LP policy R12 as outlined above, or with LP policy G5(2) and (10), which says that new buildings must respect the scale, height and proportions and materials of the surrounding environment, and that open spaces which contribute to the character of an area, in terms of the views they create and the feeling of openness they allow, are protected.

#### *Other considerations*

14. The appellant says that the proposed development is required for stabling her polo horses. This is to allow the appellant to participate in polo matches, where 4 horses are required for each polo match, and 2 matches are usually played in any given day. The appeal site was chosen because the relative central location and ease of access to surrounding polo clubs, and because it is sufficiently sized for the required care, exercise, and store of the horses, and that it would be compliant with the size requirements of LP policy R12.
15. The appellant's need to find a suitable and desirable site does carry some weight in favour of the proposal. However I am not persuaded that it clearly outweighs the substantial weight attached to Green Belt harm. As such I do not find that these considerations amount to the very special circumstances needed to outweigh the identified harm to the openness of the Green Belt and the character and appearance of the area.

#### **Other Matters**

16. The appellant says that the sizes of the proposed individual stables adhere to the British Horse Society's minimum recommendations, but that they exceed the size requirements set out in preamble paragraph 13.55 to LP policy R12, which also cites the British Horse Society. I note that the larger sized stables sought by the appellant are for 'larger horses', and that no information is before me as to whether appellant's polo horses fall within that definition. Nevertheless the difference in depth between what the appellant seeks and that set out in LP policy R12 would not so significant, such that I find it would broadly compliant with that aspect of the policy.
17. My attention is drawn to a previous planning consent for 2 stable blocks of 4 loose boxes on the appeal site. I do not have the full details of this scheme or the circumstances on which permission was granted. Equally, no evidence is before me that the scheme is or should be considered extant. In any event, I have determined the appeal on the evidence before and against the Framework and the development plan.

## **Conclusion**

18. The proposed development would not preserve, and would harm the openness of the Green Belt. The development is therefore inappropriate development in the Green Belt. The proposed development would also cause harm to the character and appearance of the site and the wider open countryside, which amounts to any other harm to the Green Belt. The other circumstances suggested by the appellant do not clearly outweigh the substantial weight attached to Green Belt harm, and subsequently do not warrant the very special circumstances necessary to justify the development.
19. Therefore for the reasons given above I conclude that the appeal should be dismissed.

*Richard Allen*

INSPECTOR



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# Appeal Decision

Site visit made on 27 July 2015

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 04/08/2015**

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## **Appeal Ref: APP/Y3615/D/15/3020840**

### **Oak Farm, Jesses Lane, Peaslake, Guildford GU5 9RT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Duncan Gass against the decision of Guildford Borough Council.
  - The application Ref 14/P/01610 was refused by notice dated 5 February 2015.
  - The development proposed is the construction of an oak framed and timber clad garage building.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for an oak framed and timber clad garage building in accordance with the terms of the application Ref 14/P/01610, dated 27 August 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the details of materials specified in the application and the following approved plans: JL-SP-02 and GA/RS/130614/01.
  - 3) No development shall take place until a tree protection method statement, including details of tree root protection areas and tree protection fencing, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be adhered to in full.

## **Main issues**

2. The main issues are:
    - i) whether the proposal constitutes inappropriate development in the Green Belt; and
    - ii) its effects on the openness of the Green Belt, the setting of the grade II listed building (Oak Farm) and the landscape of both the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV).
-

## Reasons

### *Whether inappropriate development in the Green Belt*

3. Oak Farm is a substantial house (formerly 2 houses) with a long outbuilding on the road frontage, set within an extensive garden in the countryside and the Green Belt. The proposal is to build a 3 bay timber garage building, to be located well away from the house, next to an outdoor tennis court.
4. Paragraph 87 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for (amongst other things) 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. *Original* means the building as existing in 1948 unless it was built later.
5. Guildford Borough Local Plan 2003 (LP) Policy H9 advises that applications for garages or domestic outbuildings will be considered as extensions to the dwelling. As there are, and have been, significant outbuildings at this site, it seems reasonable to consider both the existing and proposed outbuildings in this way. I note that the original outbuilding has been replaced by a slightly larger one and take this change into account. The previously existing outbuilding was part of the historic built form of the site and it is not to my mind crucial whether its use was domestic or agricultural.
6. Much like the Framework, LP Policies RE2 and H9 state a presumption against extensions to dwellings which would result in disproportionate additions, taking into account the size of the original dwelling. Although in this case 2 cottages were combined into a single house in about 1973, so that there is some ambiguity about the phrase *original dwelling*, I refer back to the *original building* as existing in 1948, taking the Framework's criterion as being the most up-to-date expression of policy.
7. There is a considerable difference between the main parties about the calculated floorspace increase on the site since 1948. The Council's calculation is not well detailed and in general terms the appellant's appears to be more reasonable, despite some inconsistencies. I note in any case that neither the Framework nor LP Policy H9 defines the term *disproportionate* in terms of a maximum percentage increase in size, leaving this to the judgement of the decision-maker. It appears to me that a significant, but not disproportionate increase in built form has taken place since 1948.
8. The proposed garage building would be modest in scale and height in comparison to the historic built development at the site. Although the currently existing outbuilding represents a slight increase in size and there have been extensions to the house as well, I find that this relatively small outbuilding would not amount to a disproportionate addition, even when taken cumulatively with other changes.

9. I conclude that the proposal is not for inappropriate development in the Green Belt. It therefore accords in this respect with the above-mentioned policies and the presumption against inappropriate development is not engaged.

*Openness, setting of listed building and AONB*

10. Oak Farm is set in an attractive, rolling, wooded landscape characterised by scattered development of mainly rural vernacular buildings. The proposed oak framed and timber clad building would be small in scale and built of good quality materials, appropriate to this setting. It would be visible from the lane, but in the most open view it would sit in front of the suburban style tennis court, helping to screen it.
11. The building would be well away from the listed house and would not appear together with it in any significant views. I agree with the Council that it would not harm the building's setting.
12. I conclude that the proposal would not significantly affect the openness of the Green Belt and would not harm the setting of the listed building or the landscape of the AONB and AGLV. It therefore accords with the aims of LP Policies H9, RE2, RE5 and RE6, to ensure that development does not harm the openness of the Green Belt or the context, character and landscape of the area. It furthermore accords with the Framework's emphasis on protecting the Green Belt and securing high quality design that sustains and enhances the significance of heritage assets and protects valued landscapes.

**Conclusion**

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed. I impose a condition listing the approved plans and referencing the submitted details of materials, for the avoidance of doubt and in order to protect the setting of the listed building and the landscape. A further condition regarding tree protection measures is needed due to the building's siting near to trees which are significant in the local landscape.

*Les Greenwood*

INSPECTOR

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# The Planning Inspectorate

Agenda item number: 6

Appendix 6

Direct Line:  
Temple Quay House Customer Services:  
2 The Square 0303 444 5000  
Bristol  
BS1 6PN

Email:  
despatch.admin@pins.gsi.gov.uk

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Your Ref: 15/P/00127

Our Ref: APP/Y3615/D/15/3078172

Miss S J Willmott  
Guildford Borough Council  
Planning Development Services  
Millmead House  
Millmead  
Guildford  
Surrey  
GU2 4BB

04 August 2015

Dear Miss S J Willmott,

Town and Country Planning Act 1990  
Appeal by Mr Roger Furlonger  
Site Address: 18 Cabell Road, GUILDFORD, Surrey, GU2 8JE

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours sincerely,

**Debbie McGough**  
Debbie McGough

Agenda item number: 6  
Appendix 6

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

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## Appeal Decision

Site visit made on 27 July 2015

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 04/08/2015**

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### **Appeal Ref: APP/Y3615/D/15/3078172**

### **18 Cabell Road, Guildford, Surrey GU2 8JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Roger Furlonger against the decision of Guildford Borough Council.
  - The application Ref 15/P/00127 was refused by notice dated 23 March 2015.
  - The development proposed is the erection of a first floor side extension.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a first floor side extension in accordance with the terms of the application Ref 15/P/00127, dated 27 January 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan LPD/3160 and proposed plans LPD/3160 Sheets 1A, 3A and 4A.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **Main issue**

2. The main issue is the effect of the proposal on the character and appearance of the building and the local area.

### **Reasons**

3. 18 Cabell Road is a modern semi-detached house located within a residential area of largely similar semi-detached and terraced houses. It has a flat roofed garage to the side, with a narrow path that runs between the garage and the side boundary. The proposal is to build over the garage, flush with the front wall and to the same height as the house. The extension would be set back from the side of the garage by about half a metre, providing a 1+ metre gap to the boundary with the terraced house next door, which also has a garage to the side.
-

4. The Council's Supplementary Planning Guidance *Residential Extensions* (SPG) advises that there may be a 'terracing' effect when gaps between houses are filled by extensions. It says that this can usually be avoided by setting extensions back from the main front wall and away from the boundary, noting that this may be particularly necessary on semi-detached properties, in order to respect the form of the original building and the spaces between buildings in the street scene.
5. I see no necessity for this pair of semi-detached houses to remain balanced in scale and form. The houses are of a straightforward design which is not in architectural terms particularly notable or sensitive. The proposed extension would fit in with the general appearance of the building and others in the area. The proposed set-back from the side boundary would help to preserve a visual gap between buildings, thus avoiding the impression of a single, long terrace. I note that similar extensions have been built at Nos 58 and 82 Cabell Road and that these extensions blend well into the mix of house types, causing no discernible harm to the street scene. I consider that the proposal would do likewise.
6. Although I fully acknowledge the SPG's guidance in general terms, I find no substantive reason to apply it strictly in this case. I conclude that the proposal would not harm the character or appearance of the building or the local area. It therefore accords with the shared aims of Guildford Borough Local Plan Policies G1, G5 and H8 and the SPG, to ensure that extensions respect street patterns and the relationship with other buildings and have no adverse effect on the scale and character of the dwelling. This aligns with the National Planning Policy Framework's emphasis on securing high quality design.
7. I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. The use of matching materials is necessary in order to protect the character and appearance of the area.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR



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# Appeal Decision

Site visit made on 26 June 2015

**by R W Allen B.Sc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 July 2015**

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**Appeal Ref: APP/Y3615/D/15/3022042**  
**5 Downsway, Guilford, Surrey GU1 2YA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Druce against the decision of Guildford Borough Council.
  - The application Ref 14/P/02320, dated 15 December 2014, was refused by notice dated 4 February 2015.
  - The development proposed is proposed demolition of existing garage and side single storey section of the house and construction of a rear single storey extension, a replacement garage with ancillary residential accommodation over part of the garage, a new dormer window at the rear of the house and raising a dormer window at the front of the house.
- 

## Decision

1. The appeal is allowed and planning permission is granted for proposed demolition of existing garage and side single storey section of the house and construction of a rear single storey extension, a replacement garage with ancillary residential accommodation over part of the garage, a new dormer window at the rear of the house and raising a dormer window at the front of the house at 5 Downsway, Guilford, Surrey GU1 2YA in accordance with the terms of the application, Ref 14/P/02320, dated 15 December 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/25/3; 14/25/6 rev H; 14/25/7 rev B; 14/25/8; and 14/25/SP rev B.

## Main Issues

2. The Council says that the single-storey rear extension, alterations to the front dormer window and insertion of a rear dormer window, which form part of this appeal, already benefit from a planning permission (Ref 14/P/01674). Although I do not have the full details of the approved scheme, it would seem highly probable that the appellants would implement the approved scheme if this appeal were dismissed. It would therefore be somewhat of a futile

exercise to find on the effects of those other matters of the scheme. The existence of the extant planning permission for those other elements is significant material consideration in my Decision, and I have accordingly determined the main issue to be those elements where the schemes differ.

3. Therefore the main issues are:

- The effect of the proposed garage building on the living conditions of No 4 Downsway; and
- The effect of the proposed garage building on the character and appearance of the area.

## **Reasons**

### *Living conditions*

4. The appeal site comprises a large detached house and plot, part of an estate of similar sized properties and gardens. The current single storey detached garage is a relatively modest structure which is positioned to the side and at a slight angle from the main dwelling. It also lies within close proximity to the boundary with the neighbour at No 4 Downsway (No 4).
5. I viewed the appeal site from No 4, which is relatively close the boundary with the appellants. I observed the relationship between the two properties, noting the neighbour's patio area on the side of the house; the presence of one ground floor door and one upper floor window, both of which are secondary openings to their respective rooms; and the land level differences on which neighbour is set lower. I noted the existing garage is somewhat unobtrusive when viewed from No 4, with only the roof plane being visible over the boundary.
6. The proposed garage would be taller than the existing garage and would add more built form along the boundary with No 4. However the flank wall of the proposed garage would not be significantly larger than the existing garage, and would not unduly protrude over the common boundary. The main roof would slope away from the boundary thus would alleviate the effect the structure would otherwise have.
7. I acknowledge that the proposed garage would be more imposing on the occupiers of No 4 than the existing garage, particularly as it would be closer to No 4 and would be considerably larger in depth. However because it would largely continue to be viewed against the backdrop of the main dwelling, the proposed garage would not be significantly so prominent, and it would not be of a scale and size which would cause significant harm to the living conditions of No 4. Further, those effects would be limited only to the side patio area, which forms only a very small part of the overall rear garden, which is considerable in size and which would be not be so affected by the proposal.
8. I find there the proposed garage would not significantly harm the living conditions of the occupiers of No 4. The proposed garage would accord with Policies G1(3) and H8 of the Guilford Borough Local Plan (with saved policies) (LP). These say that, amongst other things, that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of privacy, access to sunlight and daylight; and extensions to dwellings where there would be no unacceptable effects on the amenities enjoyed by the

occupants of adjacent buildings in terms of privacy and access to sunlight and daylight.

### *Character and appearance*

9. I saw from my site visit that the local topography and the deviation in the road accentuated the appeal site's prominence. I observed that views where possible to the Downs through the gap between the appeal property and No 4, but found these amounted to no more than limited and glimpsed views on which the proposed garage would have little bearing upon.
10. Although taller than the existing garage and while it would have accommodation at its upper level, the proposed garage would be at a wholly different scale and size to the main dwelling. It would be much lower; proportionate; and would clearly be read as an ancillary building to the main dwelling. As such, it would not erode the space to the side of the property. The important separation gap between the appeal property and No 4 would be retained and readily visible above the existing garage, and the character and appearance of the area which is defined by these important separation gaps would not be undermined.
11. Accordingly, I find the proposed development would have no significant harm to the character and appearance of the area. It would accord with LP policies H8 and G5. These say, amongst other things, that that planning permission for extensions to dwellings will be granted where development respects the height and proportions of the surrounding environment and has no adverse effect on the scale and character of the dwelling and; has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings; and that existing spaces of value are respected and that important public views are protected.

### **Conditions**

12. I have considered the conditions suggested by the Council against paragraph 206 of the National Planning Policy Framework (the Framework), and made changes necessary to comply with those requirements. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A Condition relating to materials is necessary to ensure the appearance of the development.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed.

*R Allen*

INSPECTOR

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## Appeal Decision

Hearing and site visit held on 28 April 2015

**by Clive Hughes BA (Hons) MA DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 July 2015**

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**Appeal Ref: APP/Y3615/A/14/2228519**

**The Paddocks, Rose Lane, Ripley, Woking GU23 6NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Jane Stevens against the decision of Guildford Borough Council.
  - The application Ref 14/P/00867, dated 8 May 2014, was refused by notice dated 23 October 2014.
  - The development proposed is change of use of land for a caravan site for single extended family with associated utility building, hard standing, fencing and cess pool.
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### Decision

1. The appeal is allowed and planning permission is granted for a temporary period of 3 years for change of use of land for a caravan site for single extended family, to include one mobile home and 4 touring caravans with associated utility building, hard standing, fencing and cess pool at The Paddocks, Rose Lane, Ripley, Woking GU23 6NE in accordance with the terms of the application, Ref 14/P/00867, dated 8 May 2014, subject to the nine conditions set out in the Annex to this Decision.

### Procedural matters

2. The Council used a fuller description of the development on its Decision Notice and the appellant has used this for the appeal. As it is more comprehensive, I have used this extended description for this Decision.
3. The name on the site gates is Valentines Farm, not The Paddocks. I have used the name on the application form for this Decision to avoid confusion with Valentine's Farm, a commercial site at the southern end of the access road.
4. At the Hearing a signed and dated s106 Agreement was submitted. It makes provision for financial contributions in respect of the Thames Basin Heaths Special Protection Area (TBHSPA). This overcomes the Council's third reason for refusal and I have taken it into account in this Decision.
5. The development has already taken place; the layout of the site differs from that shown on Plan No 2. The utility block/ store, shown on Plan 3, has been moved to the adjacent paddock and is in use as stables for horses. A smaller timber utility building has been sited in its place although no details of this were submitted with the appeal.
6. The traveller status of the appellant and her family is not disputed by the Council. Based upon the written statements and the verbal evidence at the

Hearing I have no reason to doubt this. The appellant and her family therefore accord with the definition of gypsies and travellers as set out in Annex 1: Glossary of *Planning policy for traveller sites* (PPTS).

## **Main Issues**

7. The site lies within the Metropolitan Green Belt. The parties agree that the development comprises inappropriate development in the Green Belt, that it is in conflict with one of the purposes of including land in the Green Belt and that it reduces openness. It also lies adjacent to the boundary of the Ripley Conservation Area. The main issues are (i) the effect of the development on the openness and purposes of the Green Belt; (ii) the effect of the development on the character and landscape of the area; (iii) the effect of the development on the setting of Ripley Conservation Area; and (iv) whether the other material considerations advanced in support of the proposals are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Background*

8. The use has started. Planning permission for the use of the land as a caravan site for 2 static caravans and 3 touring caravans was refused in February 2010. An Enforcement Notice (EN), requiring the cessation of the use of the land as a caravan site, was issued in March 2010. Appeals against the refusal of planning permission and the EN were dismissed in September 2010 following a Hearing with the period for compliance with the EN increased to 12 months. A High Court challenge to the refusal of planning permission was dismissed by Mr Justice Hickinbottom on 10 April 2013. Following this, the EN came into effect. This included a requirement to clear the site by 10 June 2014. This has not been complied with and the EN remains extant.

### *Effect on openness and the purposes of the Green Belt*

9. Paragraph 79 of the *National Planning Policy Framework* (the Framework) says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This development has reduced openness. It comprises a mobile home, up to 4 touring caravans, a utility shed, a further shed, vehicles, bins, gates and fencing. Although relatively small the site is mostly hard surfaced with brick paving. Taken together, there is a considerable loss of openness. This weighs against the proposals.
10. The Framework, at paragraph 80, identifies that the Green Belt serves five purposes. These include "to assist in safeguarding the countryside from encroachment". The development lies outside the settlement boundary for Ripley and encroaches into the countryside. It is therefore in conflict with this purpose and this, too, carries weight against the development. This harm to the Green Belt would result in there being conflict with Policies RE2 and H13 of the *Guildford Borough Local Plan 2003*.

### *Effect on the character and landscape of the area*

11. The appeal site lies in the open countryside to the south of Ripley. It is separated from even the urban/ rural fringe of Ripley by school playing fields

and there are further fields to the west and south. The residential garden on the opposite side of the access drive relates to a house that fronts Rose Lane which is itself opposite the school and so does not appear as unacceptably out of keeping with the area. The allotments beyond that garden are appropriate for their rural setting and do not harm the countryside. The only other jarring feature in the immediate area is the development at Valentine's Farm.

However, I was advised at the Hearing that much of this is unauthorised and that the Council is contemplating enforcement action. The barns appear long-established but I do not consider that the rest of this development can be assumed to be acceptable to the Council.

12. The development on the appeal site is, however, harmfully out of keeping with its rural setting. While traveller sites are often found in the countryside, this does not mean that they are all acceptable or cause no visual harm. The development on the site including the evergreen planting, and in particular the leylandii trees, detract from the appearance of the area.
13. Having said that, however, the development on the site is not particularly noticeable from public viewpoints. The top of the mobile home can be seen from Rose Lane but only when standing on the western side of the road and looking through the vegetation. From the same vantage points there are glimpses of caravans through the foliage but these are not readily seen. The leylandii trees are visible as they are becoming taller than the established hedges. However, as the footway is on the opposite side of the road such views are unlikely to be more than occasional glimpses for most road users.
14. There are clearer private views of the fencing to the south of the site from the access track to Valentine's Farm. The close boarded fence has a domestic character that is harmfully out of keeping in this rural setting. The fencing has been stained green which reduces its visual impact and there is scope for planting in the field outside the fence which would further reduce its harm. The top of the mobile home would be likely to be visible from the school playing field but this carries only limited weight as it is a private view.
15. Overall, the harm to the countryside is limited in extent and is only clearly visible from very few public viewpoints. Nonetheless, the development is out of keeping with its surroundings and detracts from the character of the area. It is contrary to Policies G5 and H13 of the Local Plan. This conclusion is in line with the conclusions of the Inspector who determined the 2010 appeals.

#### *Effect on the setting of Ripley Conservation Area*

16. The northern and eastern boundaries of the appeal site immediately abut the Ripley Conservation Area. The Conservation Area is a heritage asset; the Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced. Due to the proximity of the site to the Conservation Area there is no doubt that it has some impact on the setting. Policy HE10 of the Local Plan says that permission will not be granted for development that harms the setting of a Conservation Area or views into or out of that Area.
17. There is no Conservation Area appraisal. At the Hearing I was advised that the significance of the heritage asset is due to its historical value. It has a historic core with Rose Lane as a feeder road to the High Street that makes the transition from the dense urban centre to the countryside beyond. The undeveloped surroundings of the historic core provide an open setting for the

- Conservation Area, although there is housing adjacent to the area to the west of the village centre.
18. The development on the site is not conspicuous in the countryside as it is well screened from most public views. Nonetheless, the presence of this development immediately adjacent to the Conservation Area detracts from its setting. It reduces the openness of the surrounding countryside and degrades the rural character of the land that provides a buffer around the Conservation Area which maintains its rural setting.
  19. In terms of views into and out from the Conservation Area, the only public views out of the Conservation Area brought to my attention were from Rose Lane. Private views out are largely limited to views from the school playing fields. While the previous Inspector referred to private views from houses in the High Street, I consider that such views would now be very much reduced due to the subsequent growth of the landscaping planted within the site and especially that along its northern boundary. In any case, the High Street properties are some distance away, mostly over 300m, and the impact on views out of the Conservation Area would be very limited.
  20. Concerning views into the Conservation Area, the only view is from the private access drive to Valentine's Farm beyond the appeal site. In this view the close boarded fence and the domestic nature of the planting – leylandii and laurel – detract from the countryside setting of the Conservation Area and restrict long views of the settlement. However, this is a private view and the harm to the setting of the Conservation Area is limited.
  21. Nonetheless, there would be some harm to the significance of the designated heritage asset. For the reasons set out above that harm would be less than substantial. In accordance with advice in paragraph 134 of the Framework, that harm has to be weighed against the public benefits of the proposal. These are explored in more detail in the other material considerations considered below.

*Other material considerations and the planning balance*

22. There is general agreement between the principal parties concerning the unmet need for sites; the needs of the appellant and her family; the lack of alternative sites; and the consequences for the site occupiers of this appeal being dismissed. The *Guildford Borough Traveller Accommodation Assessment (TAA) 2013* identified a need for 43 pitches between 2012 and 2017. Since June 2012, 16 new permanent pitches have been granted planning permission and a further 2 have been approved subject to the completion of s106 Agreements in respect of the TBHSPA. This leaves a need for 25 more pitches in the next 2 years. There is also a need for a further 14 pitches in the following 5 year period to 2022 and 16 more in the 5 years to 2027.
23. The Council is preparing a Land Availability Assessment that will include an assessment of land for traveller accommodation. This will replace the current Traveller SHLAA. The Council has run a call for sites but it acknowledges that it won't have a plan in place by 2017. There is no timetable for this and it is likely that no sites will be identified through the plan process within 2 years.
24. The appellant and her family are on the Council's waiting list for sites but as this now runs to 73 families the likelihood of a pitch or site with sufficient



- capacity to accommodate the whole family coming forward in the near future is slight. Neither the Council nor the appellant know of any vacant sites in the area. There are no known alternative sites that are available, suitable and affordable. If this appeal fails and the Council actions the EN, there is nowhere for the appellant and her extended family to live.
25. I have given considerable weight to the fact that the Surrey Police attended the Hearing to give evidence in favour of the proposals and to give support to the appellant and her family. It is unusual, in my experience, for a family to have such support and it speaks volumes for the contribution that the family has made to the community.
26. I have also had regard to the personal circumstances of the family with particular regard to the needs of the children. These circumstances are set out in some detail in the appellant's statement that accompanied the planning application. These details were not challenged by the Council although a couple of birth dates for children were corrected by the appellant during the Hearing.
27. The statement says that there are currently 11 children living on the site, although the youngest are sometimes away travelling with their parents. Two more children are expected this year, the first is due in May. There are children from the site who attend local schools and nurseries. Others have health issues that need treatment. While there is no evidence to show that this site is the only place from which the children could access education and health, the absence of alternative accommodation would be likely to result in a nomadic existence making regular access to such facilities much more difficult.
28. If planning permission is refused, the Council would be able to action the extant EN and seek to remove the family from the site. This course of action by the Council would undoubtedly result in Article 8 of the *European Convention on Human Rights* being engaged in respect of all the site residents, including the children.
29. In view of this, and the extant EN, the dismissal of this appeal would undoubtedly amount to interference with the exercise of the appellant and her family's right to respect for their private family life and their home. This interference would potentially engage the operation of Article 8. The interference would be in accordance with the law provided a proportionality assessment is carried out. I am satisfied that the interference would be necessary in a democratic society as development control measures are recognised as an important function of Government.
30. Since the Article 8 rights of the appellant and her family are engaged, a proportionality assessment is necessary. In the AZ judgement (*AZ v SoS for Communities and Local Government and South Gloucestershire DC* [2012] EWHC 3660 (Admin)) His Honour Judge Anthony Thornton QC set out the four stages necessary for a proportionality assessment. These are:
- Identification of all relevant considerations relating to the appellant and their family's respective rights of enjoyment of family life and a home.
  - The identification of the best interests of the children.
  - The identification of public or community interests to be balanced against the appellant and their family's interests.

- A structured weighing up and balancing of all these interests. The balancing exercise should involve a consideration of children's best interests first and then strike a fair balance between the rights of the individuals concerned and the interests of the community.
31. At the Hearing I asked the appellant, through her agent, to identify and explain what relevant considerations she thought should be included in this analysis. Other details are set out in the statements. In particular, the appellant and her family have lived on the site for over 6 years and consider it to be their home. The appellant and her partner work in the local village. They have the support of the Surrey police. The settled base gives them good access to health facilities. Some of the children who live on the site are at local schools and a local nursery school. The children enjoy a settled education. Life on the road would make it difficult to find a new school and they would not know when they could start. The family has always lived in caravans and could not conceive of living in bricks and mortar.
32. The best interests of the children largely coincide with those of the adults. No children gave evidence at the Hearing but the appellant was able to represent their views. I have no doubt that the children wish to remain living on the site and attending their local schools. A settled primary education is likely to stand them in good stead when progressing to secondary education. Some of the children have always lived on this site; they have never lived in bricks and mortar. They can readily access health care.
33. In the balancing of the competing interests, *ZH (Tanzania) v SoS Home Department [2011] UKSC 4* established that the best interests of the children are a primary consideration and must be considered first. This does not, of course, mean that the best interest of the children is a factor of limitless importance in the sense that it will prevail over all other considerations. This is a point made by Lord Kerr in the *ZH (Tanzania)* judgement. Nonetheless, it is a factor that must rank higher than any other.
34. The best interest of the children in this case is undoubtedly to allow them to remain on the site. It is their home and provides security, continuity of education and access to healthcare. While there is no evidence to demonstrate that this is the only site where such interests could be achieved, for example an alternative school may well meet their education needs, no suitable alternative sites have been identified. The best interests of the children carry very great weight. Some weight must also be given to the personal circumstances of the appellant and the other site residents for whom a settled base gives access to health facilities. Also in favour of the development is the significant unmet need for sites for travellers in the District as identified in the TAA and the length of the waiting list. This need is immediate and is unlikely to be met in the near future.
35. Against this must be balanced the public and community interests. As set out above, there is an in principle presumption against inappropriate development in the Green Belt. Other objections to the development concern its impact on the openness of the Green Belt and one of the purposes of including land in the Green Belt. There is also harm identified to the landscape of the area and to the setting of Ripley Conservation Area. The Framework says that the Government attaches great weight to Green Belts and that one of their essential characteristics is their openness. There would be conflict with the

- development plan and with the Framework. Taken together this amounts to a very considerable level of harm. The Framework says that substantial weight must be given to any harm to the Green Belt.
36. There would be less than substantial harm to the Conservation Area. This needs to be weighed against the public benefits. In this case the public benefits include the provision of an additional site for travellers in an area where there is a known shortage of such sites and where there is a long waiting list. Other public benefits include the provision of a settled base as the alternative is probably a nomadic existence with harm to elsewhere in the Green Belt and potential harm to the owners of any land they settled upon. On balance, however, these public benefits do not outweigh the harm as alternative sites are likely to be found through the planning process that do not harm this, or any other, heritage asset.
  37. The need for sites is being addressed by the Council in its emerging plans. The Council has consistently resisted development on this site. An EN has been issued and previous appeals against the refusal of planning permission and the EN have been dismissed. A High Court challenge against the refusal of planning permission failed. I conclude that the harm to the Green Belt is not clearly outweighed by other considerations and that permanent planning permission should not be granted.
  38. This conclusion clearly results in an interference with the rights of the appellant and her family. This must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8 particularly in terms of the protection of the environment. A permanent permission would result in permanent harm to the Green Belt. I am satisfied that this legitimate aim can only be safeguarded by refusing to grant permanent planning permission. This conclusion is proportionate and necessary in these circumstances and so would not result in a violation of the appellant's rights under Article 8.
  39. Paragraph 87 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case I am not satisfied that it has been shown that the harm is clearly outweighed. Living elsewhere would not exclude the children from education or healthcare or prevent the site residents from accessing healthcare; these aspects are not so weighty as to outweigh the permanent harm that would be caused to the Green Belt.

#### *Temporary permission*

40. I have had regard to the grant of a temporary planning permission. The balancing exercise in respect of a temporary planning permission is different to that of a permanent planning permission. The degree of harm is clearly reduced (*McCarthy and Others v SSCLG (South Cambridgeshire DC) [2006] EWHC 3287*). It alters the overall balance as the substantial weight attached to the harm arising from inappropriate development in the Green Belt is reduced because it would be limited in time. The other harms to openness and the purposes of including land in the Green Belt are also reduced. The harm to the landscape of the area and the setting of the Conservation Area is also reduced, again due to the limited time period for the harm to be present.

41. The Council has made it clear that circumstances will change and that sites will be provided. I am satisfied that there is a real likelihood that sites will become available so that circumstances would have materially changed by the end of a temporary planning permission. Both the main parties consider it to be unlikely that sites will be available for occupation in much less than three years. This would give time for the emerging plan to be adopted and acted upon such that sites have the benefit of planning permission and are available for occupation.
42. In these circumstances the weight attached to the harm to the Green Belt, and the other identified harm, would be significantly reduced so that the harm would be clearly outweighed by other considerations such as to amount to the very special circumstances necessary to justify allowing the development. Planning permission for a temporary period of three years is appropriate.

### ***Conditions and s106 Agreement***

43. I have made the permission temporary for the reasons set out above. I have limited the permission to the appellant and her resident dependants as I have given weight to their personal circumstances in this Decision. Occupation of the site is limited to gypsies and travellers in accordance with the terms of the application. Conditions are imposed in respect of the number of caravans; the size of commercial vehicles on the site; commercial uses; the site layout; the appearance of the utility building; external lighting; and the restoration of the site to protect the visual amenities of the area. I have identified the approved plan for the avoidance of doubt and in the interests of the proper planning of the area.
44. The s106 Agreement makes provision for the grant of a limited period planning permission. The Agreement is necessary in order to secure appropriate measures to protect the TBHSPA.

### ***Overall Conclusions***

45. Overall, therefore, I conclude that temporary planning permission should be granted for a temporary period of 3 years. This allows sufficient time for alternative sites to become available and provides accommodation for the appellant and her family in the intervening period.

*Clive Hughes*

Inspector

**APPEARANCES**

## FOR THE APPELLANT:

Alison Heine BSc MSc MRTPI	Agent
Jane Stevens	Appellant
John Doherty	Appellant's partner

## FOR THE LOCAL PLANNING AUTHORITY:

Kelly Jethwa BA(Hons) MA MRTPI	Guildford BC
Kate Lines	Guildford BC
Aimee Matthews	Guildford BC

## INTERESTED PERSONS:

Robert Clarke	Neighbourhood Specialist Officer, Surrey Police
Lisa Clarke	Police County Support Officer, Surrey Police
Damon Young	Police County Support Officer, Surrey Police
Cllr Colin Cross	Borough Councillor , Lovelace Ward, and Parish Councillor
Patrick Sheard	Chairman, Ripley Society, also representing the Campaign for the Protection of Rural England

**DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Council's notification letter and list of persons notified
- 2 Statement by PC4728 Robert Clarke
- 3 Inset Map 27 Ripley of Council's Inset Maps 2003
- 4 S106 Agreement dated 28 April 2015

**Annex****Schedule of conditions (9 conditions)**

- 1) The use hereby permitted shall be carried on only by the following: Ms Jane Stevens and her resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied those named in condition 1 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites*.
- 4) No more than 5 caravans, as defined in the *Caravan Sites and Control of Development Act 1960* and the *Caravan Sites Act 1968* (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 6) No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one the requirements set out in (i) to (iv) below:
  - i) within 3 months of the date of this decision a scheme for: the internal layout of the site, including the siting of caravans, hardstanding, parking and amenity areas; full details of the utility building and any other structures on the site; the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
  - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made 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 site development 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.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plan: Plan 1 – location plan.