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Contact Officer:

Sophie Butcher, Democratic Services Officer

23 February 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** on **WEDNESDAY 3 MARCH 2021 at 7.00 pm**. This meeting can be accessed remotely via Microsoft Teams in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authorities and Police and Crime Panel Meeting) (England and Wales) Regulations 2020.

If for any reason Councillors lose their wi-fi connectivity to the meeting and you are unable to re-join using the link on the Outlook Calendar invitation, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 304 924 043#.

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

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

Councillor Jon Askew
Councillor Christopher Barrass
Councillor David Bilbé
Councillor Chris Blow
Councillor Ruth Brothwell
Councillor Angela Gunning
Councillor Jan Harwood

Councillor Liz Hogger
Councillor Marsha Moseley
Councillor Susan Parker
Councillor Maddy Redpath
Councillor Caroline Reeves
Councillor Paul Spooner

Authorised Substitute Members:

Councillor Tim Anderson
Councillor Richard Billington
Councillor Dennis Booth
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Angela Goodwin
Councillor Steven Lee
Councillor Nigel Manning
Councillor Bob McShee

Councillor Ramsey Nagaty
Councillor Jo Randall
Councillor Tony Rooth
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor James Steel
Councillor James Walsh
Councillor Catherine Young

QUORUM 5



THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

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.

AGENDA

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

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

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

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

3 MINUTES (Pages 13 - 24)

To confirm the minutes of the meeting of the Committee held on 3 February 2021 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 PLANNING AND RELATED APPLICATIONS (Pages 25 - 26)

All current applications between numbers 20/P/01340 and 20/P/02126 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 **20/P/01340 - 5 Park Chase, Guildford, GU1 1ES** (Pages 27 - 42)

5.2 **20/P/01755 - Merrow Centre for Remedial Education, 41 Down Road, Guildford, GU1 2PZ** (Pages 43 - 58)

5.3 **20/P/01830 - Red Balloon Ockham Ltd, Pound Farm, Old Lane, Cobham, KT11 1NH** (Pages 59 - 68)

5.4 **20/P/02126 - 21 Oxenden Road, Tongham, Farnham, GU10 1AR** (Pages 69 - 76)

6 PLANNING APPEAL DECISIONS (Pages 77 - 84)

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

WEBCASTING NOTICE

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

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

NOTES:

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's report virtually by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see online. For members of the public, able to dial into the meeting, copies of the presentation will be loaded onto the website to view and will be published on Monday 15 June prior to the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Office Teams to attend online or via a telephone number and conference ID code as appropriate to the public speakers needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure all public speakers are online. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the Democratic Services Officer by no later than midday the day before the meeting. In such circumstances, the Chairman or DSO will read out their speech.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to speak on an application, either in or outside of their ward, will be then allowed for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak.] If the application is deferred, any councillor(s) who are not member(s) of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.
5. The Chairman will then open up the application for debate. [Please see point 10. Councillor Conduct during remote access meetings of the Remote Meetings Protocol]. The Chairman will ask which councillors which to speak on the application and determine the order of speaking accordingly. Councillors should use the Chat function on MS Teams to indicate to the Chairman that they wish to speak. Note, that all messages put on the chat function are visible to all participants: Both the Chairman and DSO will keep a watch on the chat function to identify the order in which councillors wish to speak. At the end of the debate, the Chairman will check that all members had had an opportunity to speak should they wish to do so.
 - (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The Chairman will advise when there are 30 seconds remaining and when the three minutes has concluded;

- (b) No councillor to speak more than once during the debate on the application;
- (c) Members shall avoid repetition of points made earlier in the debate.
- (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
- (e) Once the debate has concluded, the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried then the Chairman will ask for a second alternative motion to be put to the vote.

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

- Approval to refusal, or;
- Refusal to approval;
- Or where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission. The following procedure shall be followed:
 - Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion the Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken in accordance with point 11 of the Remote Meetings Protocol.
- (f) A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for further information/advice backed by supporting reasons).
- (g) Technical difficulties during the meeting (Point 12 of the Virtual Meeting Protocol will apply). If the Chairman or the DSO identifies a failure of the remote participation facility and a connection to a Committee Member is lost during the meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, provided that it remains quorate. If the Member who was disconnected is subsequently re-connected and they have missed any part of the debate on the matter under discussion, they will not be able to vote on that matter as they would not have heard all the facts.

6. Unless otherwise decided by a majority of councillors present and voting by roll call at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm.

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

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

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

GUIDANCE NOTE For Planning Committee Members

Probity in Planning – Role of Councillors

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

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

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

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

Reason for Refusal

How a reason for refusal is constructed.

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

When formulating reasons for refusal Members will need to:

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

Example

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

Reason for Approval

How a reason for approval is constructed.

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

Example:

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

Reason for Deferral

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

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

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

NOTES:

Officers Report

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

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

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

Written Representations

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

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

Background Papers

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

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

Human Rights Act 1998

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

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

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

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

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

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

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

- 3 Article 14: prohibition from discrimination

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

- 4 Article 1 Protocol 1: protection of property;

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

- 5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR must be just and proportionate to the objective in question and must not be arbitrary,

unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Costs

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

However, where:

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

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

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PLANNING COMMITTEE

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

- | | |
|----------------------------------|------------------------------|
| * Councillor Jon Askew | * Councillor Liz Hogger |
| * Councillor Christopher Barrass | * Councillor Marsha Moseley |
| * Councillor David Bilbé | * Councillor Susan Parker |
| * Councillor Chris Blow | * Councillor Maddy Redpath |
| * Councillor Ruth Brothwell | * Councillor Caroline Reeves |
| * Councillor Angela Gunning | * Councillor Paul Spooner |
| * Councillor Jan Harwood | |

*Present

Councillors Ramsey Nagaty, John Redpath, Catherine Young and Joss Bigmore, were also in attendance.

PL76 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Chris Barrass for whom Councillor Tim Anderson attended as a substitute.

PL77 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor Liz Hogger declared a non-pecuniary interest in application 19/P/01726 – Land at Church Street, Effingham, KT24 owing to the fact that she was a member of Effingham Parish Council, but she did not vote or comment on any applications considered by the Parish Council and had come to the Committee with an open mind to all arguments.

PL78 MINUTES

The minutes of the Planning Committee held on 3 February 2021 were approved and signed by the Chairman as a true record.

PL79 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL80 19/P/01726 - LAND AT, CHURCH STREET, EFFINGHAM, KT24

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

- Ms Vivien White (Chairman of Effingham Residents Association) (to object);
- Ms Charlotte Grant (on behalf of the Residents of Effingham Place) (to object);
- Mr Andy Barron (on behalf of Millgate Homes) (in support) and;
- Mr Mark Sutcliffe (in support)

The Committee considered the above-mentioned full application for proposed erection of 17 dwellings, including access, parking, and landscaping (amended plans received 08.12.2020 with changes to housing mix, appearance, burial ground extension and visitor parking).

The application had been referred to Committee as more than twenty letters/emails of objection had been received contrary to officer recommendation. The site was located in the centre of Effingham, within the Conservation Area and surrounded by other residential properties. The site was also allocated in the Effingham Neighbourhood Plan for residential development and the provision of a burial ground. The proposed development was for the construction of seventeen homes, comprised of twelve houses and five flats. 40% of the homes would be allocated as affordable, 70% affordable rent and 30% shared ownership. The site would also provide a burial ground extension and a local play area. The scheme had been amended in consultation with officers, a notable amendment being the reduction from twenty to seventeen homes. Some trees were proposed to be removed but were identified as low-quality specimens and would be replaced by appropriate vegetation. In the main the significant tree screen which the site currently benefitted from would be retained.

The site was also located in the Effingham Conservation Area and was in close proximity to a number of heritage assets and listed buildings. The site occupied an elevated position compared to the adjacent Church Street and the tree screening would limit views into the proposed development.

Units 4 and 5 were proposed to be two-bedroom, but both dwellings would include a study at first-floor level, which was not large enough to be considered as a bedroom, as per the space standards. A formal proposal for the site in 2018, was for 23 homes. The main differences between both schemes was the inclusion now of the burial ground extension and more green space via the local play area therefore creating a less dense form of development.

The Committee noted that that development had been found by planning officers to be compliant with both local and national planning policies and was therefore recommended for approval subject to a S106 Agreement. This would secure the seven affordable units, education contributions and the transfer of the burial ground extension.

The Planning Solicitor also commented that the Council had received a late letter of representation from Effingham Parish Council who had sought Counsel's advice regarding the proposed development. When read with the officer's report, specifically page 45, which set out the principle of development and the way in which policy ENPSA1 came about, it was anticipated this would assist the Committee in interpreting how the policy might be read. In this case, we had a neighbourhood plan which pre-dated the local plan but did include a policy for up to nine dwellings. Since the Neighbourhood Plan was adopted the Local Plan had been adopted insetting the site from the Green Belt. This was therefore a material consideration affecting the Neighbourhood Plan policy although ultimately weight was a matter for members to decide.

Whilst reduced weight was afforded to policy ENPSA1, in regard to the number of units proposed, the Committee wished to receive assurance that the rest of the policy was still valid.

The Planning Solicitor confirmed that ENPSA1 did not just refer to development of up to nine homes, but that subject to compliance with the Local Plan, the policy required the following; the burial ground extension at the southern end of the site, that residential development should be small scale and in keeping with the cottages on the western side of Church Street, should demonstrate that the proposed development would not adversely affect the setting of St Lawrence Church by virtue of its design, nor impact upon significant views and should demonstrate that the proposal would create minimum harm to non-designated archaeological remains with vehicular access routed via Lower Road and pedestrian access to Church Street.

The Committee considered the application and concerns were raised that the application site was comprised of an open field at the heart of the Conservation Area surrounded by listed buildings. It was acknowledged and appreciated that planning officers had achieved a reduction in the number of houses proposed for the site. The Committee also accepted that nine homes on the site could not be the absolute cap for the level of development, given the land was no longer in the Green Belt. However, to double the number of units proposed from nine to seventeen was viewed as excessive, particularly the block of flats, which were not small in scale and represented a form of over-development contrary to policies G1, G5 and Neighbourhood Plan policies. A significant consideration was the heritage assets and the effect on the setting of the listed buildings and conservation area which was more significant than perhaps considered in the officer's report. The harm to the character of the conservation area had also been overlooked, particularly the character of Church Street which was typified by a variety of building types and sizes as well as Church Cottages which had spacious frontage gardens. The proposed development included small aprons of green which was not in keeping with the prevailing character. The development proposed the installation of five streetlights which would harm the dark skies village designation that was also in a conservation area. Lastly, the Committee considered concerns raised that the development did not make adequate provision for smaller one and two bedroom homes and therefore did not comply with the Neighbourhood Plan or the SHMA mix and there was no financial viability statement to justify the exception to that policy.

The Committee also considered concerns raised regarding a large house that was located at the southern end of the plan, plot 8, which was a four-bedroom detached family home being located adjacent to the proposed new burial ground extension. A fence would only separate that garden in which children might play from the grief stricken and therefore there was a concern regarding the impact of the burial ground's proximity upon neighbouring amenities. The density of the plot was also considered and confirmed by the planning officer that the removal of the burial ground extension would not change the overall density of the development site significantly.

The Committee considered overall that the application represented a form of over-development that would harm the local heritage assets and setting of the Conservation Area owing to it being out of character. The housing mix was not compliant with the SHMA and no financial viability statement had been submitted to justify the exception to this policy.

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

Councillor Susan Parker was having connection issues for the duration of the consideration of this application, and so was unable to vote owing to not having heard the entire debate. Councillor Caroline Reeves also had to leave the meeting during the consideration of this application and therefore did not participate in the vote:

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jan Harwood	X		
2	Caroline Reeves			
3	Maddy Redpath		X	
4	Fiona White	X		
5	Ruth Brothwell		X	
6	Paul Spooner	X		
7	Chris Blow		X	
8	David Bilbe	X		
9	Susan Parker			
10	Jon Askew		X	
11	Marsha Moseley	X		
12	Tim Anderson		X	
13	Angela Gunning		X	
14	Colin Cross		X	
15	Liz Hogger		X	
	TOTALS	5	8	0

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	David Bilbe		X	
2	Chris Blow	X		
3	Jon Askew	X		
4	Fiona White			X
5	Colin Cross	X		
6	Maddy Redpath	X		
7	Ruth Brothwell	X		
8	Caroline Reeves			
9	Liz Hogger	X		
10	Paul Spooner		X	
11	Marsha Moseley		X	
12	Jan Harwood		X	
13	Susan Parker			
14	Angela Gunning	X		
15	Tim Anderson	X		
	TOTALS	8	4	1

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

RESOLVED to refuse application 19/P/01726 for the following reasons:

1. The proposal would not be small scale and represents overdevelopment of the site with the resultant development having a cramped nature with excessive built form and small

gardens in comparison to the size of buildings. The proposal is therefore contrary to policies ENP-SA1 of the Effingham Neighbourhood Plan, 2016-2030, policy D1 of the LPSS, 2015-2034, policy G5 of the saved Local Plan, 2003 and Chapter 12 of the NPPF, 2019.

2. The proposed development would, by virtue of its location, scale, design and lack of design variety, the lack of visible gardens and street lighting, cause harm to the historic character and significance of the Effingham Conservation Area and the setting of the surrounding listed buildings. The development results in less than substantial harm to the significance of the designated heritage assets and their setting (the level of this harm is at the higher level). The scheme would deliver housing which is a public benefit, however, this would not outweigh the harm identified to the heritage assets. The proposal is contrary to policies ENP-SA1 and ENP-G2 of the Effingham Neighbourhood Plan, 2016-2030, D3 of the LPSS, 2015-2034, HE4, HE6, HE7 and HE10 of the saved Local Plan, 2003, and Chapter 16 of the NPPF, 2019. Due regard has also been given to section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act, 1990.
3. The housing mix of the market housing is not compliant with the Strategic Housing Market Assessment or the Effingham Neighbourhood Plan. A number of the market homes also include a study which is large enough to serve as a single bedroom. There is no financial viability report to justify departure from ENP-H2. Therefore, the proposal is contrary to ENP-H2 of the Effingham Neighbourhood Plan, 2016-2030, and H1 of the LPSS, 2015-2034.
4. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This may include, but is not limited to the following:
 - Financial contribution towards SANG and SAMM (in accordance with the updated tariff);
 - 7 affordable housing units;
 - a financial contribution of towards early years, primary and secondary education; and
 - burial ground extension transfer to Effingham Parish Council

Accordingly, the proposal would be contrary policy ENP-SA1 of the Effingham Neighbourhood Plan (ENP) 2016 – 2030, policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the NPPF, 2019.

PL81 20/P/00793 - WEST LODGE, BLACKSMITH LANE, CHILWORTH, GUILDFORD, GU4 8NQ

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

- Mr Andrew Norris (in support)

The Committee considered the above-mentioned full application for proposed change of use of vacant single storey dwelling to a community use, including education with associated refurbishment and redecoration.

The Committee noted the supplementary late sheets which detailed a correction with regard to the designation of the site which was described in the report as being located in an area of high

archaeological potential however this was not the case and this zone designation was located further to the south-west on the other side of Blacksmiths Lane.

The Committee was informed by the planning officer that West Lodge was a grade II listed residential building within the Chilworth Gunpowder Mills works site, the Chilworth Conservation Area and was in an area inset from the Green Belt. The site was also located within a scheduled ancient monument and a small part of the site was designated as an Area of Great Landscape Value (AGLV). The building was originally used as a gate lodge for people who managed the Gunpowder Mills. The original part of the building was a small Victorian structure fronting the street. The Mills closed in 1920 and the building became vacant in 2007.

The Committee noted that the proposed community use of the building would result in the loss of a single residential unit which was modest in size but in the planning officers view justified in this instance.

The Committee considered the application and fully supported the change of use of the building for community use given it had become dilapidated in recent times and would give the building a new lease of life.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Colin Cross	X		
2	Jan Harwood	X		
3	Chris Blow	X		
4	David Bilbe	X		
5	Tim Anderson	X		
6	Liz Hogger	X		
7	Fiona White	X		
8	Ruth Brothwell	X		
9	Marsha Moseley	X		
10	Jon Askew	X		
11	Paul Spooner	X		
12	Angela Gunning	X		
13	Susan Parker	X		
14	Caroline Reeves	X		
15	Maddy Redpath	X		
	TOTALS	15	0	0

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

RESOLVED to approve application 20/P/00973 subject to the conditions and reasons as detailed in the report.

PL82 20/P/00794 - WEST LODGE, BLACKSMITH LANE, CHILWORTH, GUILDFORD, GU4 8NQ

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

- Mr Andrew Norris (in support)

The Committee considered the above-mentioned full application for Listed Building Consent for proposed change of use of vacant single storey dwelling to a community use, including education, with associated refurbishment and redecoration.

The Committee noted the supplementary late sheets which detailed a correction with regard to the designation of the site which was described in the report as being located in an area of high archaeological potential however this was not the case and this zone designation was located further to the south-west on the other side of Blacksmiths Lane.

The Committee was informed by the planning officer that West Lodge was a grade II listed residential building within the Chilworth Gunpowder Mills works site, the Chilworth Conservation Area and was in an area inset from the Green Belt. The site was also located within a scheduled ancient monument and a small part of the site was designated as an Area of Great Landscape Value (AGLV). The building was originally used as a gate lodge for people who managed the Gunpowder Mills. The original part of the building was a small Victorian structure fronting the street. The Mills closed in 1920 and the building became vacant in 2007.

The Committee noted that the proposed community use of the building would result in the loss of a single residential unit which was modest in size but in the planning officers view justified in this instance.

The Committee considered the application and fully supported the change of use of the building for community use given it had become dilapidated in recent times and would give the building a new lease of life.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ruth Brothwell	X		
2	Fiona White	X		
3	Paul Spooner	X		
4	Angela Gunning	X		
5	Susan Parker	X		
6	Colin Cross	X		
7	Liz Hogger	X		
8	Jon Askew	X		
9	Caroline Reeves	X		
10	Maddy Redpath	X		
11	Jan Harwood	X		
12	Chris Blow	X		
13	Tim Anderson	X		
14	Marsha Moseley	X		
15	David Bilbe	X		
	TOTALS	15	0	0

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

RESOLVED to approve application 20/P/00974 subject to the conditions and reasons as detailed in the report.

PL83 20/P/01174 - LAND AT THE ENTRANCE TO EFFINGHAM PLACE, EFFINGHAM PLACE, GUILDFORD, KT24 5JT

The Committee considered the above-mentioned application for erection of black painted, metal, automated vehicle access gates and separate side pedestrian access gate on Effingham Place, set back a minimum of 15 metres from Lower Road.

The application had been referred to the Planning Committee by the ward councillor who considered that the proposal might not have a harmful effect on the heritage assets. The Committee noted that the application related to the entrance to the residential cul-de-sac of Effingham Place. The access road was a private road and opposite the application site was a reserved matters site approved for 159 dwellings which was adjacent to the Howard of Effingham School. The site was located within the Effingham Conservation Area and close to the Lodge which was Grade II listed.

The Committee was informed by the planning officer that the lowest height of the gates would be 1.8 metres increasing to 2.6 metres. At the highest point, the pillars were approximately 2.15 metres. The gates would be of metal construction and painted black. The proposed gates were desired by the applicant to achieve the private benefits of security and overcoming nuisance from unauthorised vehicles. It was the planning officer's view that the design and positioning of the gates would result in harm to the heritage assets. No public benefits had been identified and was similarly identified as a reason for refusal for an identical application refused in 2013. Secondly, the proposal would undermine community cohesion. Good design was something that should promote social inclusion as underpinned by the National Design Guide. In this case, planning officers considered that the proposal did introduce a physical barrier which would give the appearance of a gated community and the application was therefore recommended for refusal.

The Committee considered the application and concerns raised that the gates proposed in this instance could be construed as acceptable given they were required by the applicant to protect their property from the nuisance of unauthorised vehicles associated with the development that was due to commence.

The Committee considered however that on balance the gates were not in keeping with the character of the area and would fail to support community cohesion.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow		X	
2	Ruth Brothwell	X		
3	Angela Gunning		X	
4	Paul Spooner		X	
5	Liz Hogger		X	
6	Jon Askew	X		
7	Susan Parker		X	
8	Fiona White	X		
9	Jan Harwood	X		
10	Maddy Redpath	X		
11	Tim Anderson		X	
12	David Bilbe	X		
13	Colin Cross		X	
14	Caroline Reeves	X		
15	Marsha Moseley	X		
	TOTALS	8	7	0

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

RESOLVED to refuse application 20/P/01174 subject to the reasons as detailed in the report.

PL84 20/P/01663 - LAND ADJACENT TO 28 ALMSGATE, COMPTON, GU3 1JG

The Committee considered the above-mentioned full application for proposed new two bedroom attached dwelling.

The Committee was informed by the planning officer that the site was located in the Green Belt within the Compton settlement boundary, within an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The new dwelling proposed would be located in a cul-de-sac which currently consisted of two storey and single storey semi-detached and terraced dwellings. There was an area of green space to the front of the site and three trees with Tree Preservation Orders (TPOs) assigned to the southern boundary. An application for a new dwelling on the site was refused in 2014 and dismissed at appeal on the grounds of the impact of the development upon the TPO trees and their amenity value for local residents. A copy of the appeal had been attached to the supplementary late sheets for information. The design of the proposed dwelling had been significantly revised with an increased separation distance between the house and the TPO trees achieved. Two additional parking spaces would be created either side of the existing parking spaces to the front consisting of permeable paving to avoid adverse impact on the root protection area of the trees. An Arboricultural Method Statement had been submitted with the application which included details on how the trees would be protected during the course of the development and those measures were secured by condition.

The design of the dwelling incorporated significantly more space compared to the refused scheme and included wrap around windows on the ground floor so to maximise light into the property.

The Committee noted that the proposal for a new dwelling had been revised from previous schemes in order to minimise the impact on the TPO trees and had therefore addressed the arboricultural concerns previously raised. The proposal would result in limited infilling within a

village which fell within the exceptions for appropriate development within the Green Belt. The scale, height and design of the proposed dwelling would be in keeping with the character of the surroundings and would not detract from the wider landscape character of the AONB and also no adverse impact to neighbouring amenity or highway safety would be caused. The application was therefore recommended for approval.

The Chairman permitted Councillor Ramsey Nagaty to speak in his capacity as ward councillor for three minutes.

The Committee received an update from the Arboricultural Officer, Tim Holman. The Committee noted that he had visited the site in 2016 with regard to an application which was subsequently withdrawn owing to tree issues. In 2020 a tree works application to raise the crowns was carried out owing to highway safety concerns. It was the Arboricultural Officer's view that the proposed dwelling was sufficiently located at a distance that would protect the root protection zones of T2 and T3 and only slightly encroach upon the root protection area for T6.

The Committee considered concerns raised that the new development would not be in keeping with the setting of the bungalows located nearby and would harm the wider rural character. The Parish Council had objected to the application owing to the unacceptable impact upon this historic site, the light pollution caused and concern regarding it representing a form of over-development.

The Committee considered on balance that the revised scheme represented appropriate development within the Green Belt. No adverse impact would be caused to the tree root zone of the TPO trees and the scale, height and design of the proposed dwellings would be in keeping with the character and surroundings of the local area.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Liz Hogger	X		
2	Tim Anderson		X	
3	Jan Harwood	X		
4	Caroline Reeves	X		
5	Colin Cross		X	
6	Maddy Redpath	X		
7	Angela Gunning		X	
8	Susan Parker		X	
9	Jon Askew	X		
10	Fiona White	X		
11	Marsha Moseley	X		
12	Ruth Brothwell		X	
13	Chris Blow		X	
14	David Bilbe	X		
15	Paul Spooner	X		
	TOTALS	9	6	0

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

RESOLVED to approve application 20/P/01663 subject to the conditions and reasons as detailed in the report.

PL85 20/P/01936 - 186 NEW ROAD, CHILWORTH, GUILDFORD, GU4 8LX

The Committee considered the above-mentioned full application for change of use from C3 Dwelling House to a sui generis larger HMO and erection of a single storey side extension following demolition of existing utility room.

The Committee noted the supplementary late sheets which included an amended plan for the first floor where the depth of the single storey side extension was not correctly illustrated. The site was inset from the Green Belt characterised by residential development comprised largely of two storey semi-detached dwellings. The proposed building was a two-storey semi-detached dwelling with a side addition set back from the road with driveway parking. The site was located outside the 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). It was the planning officers view that there was no in principle objection to an extension to the existing dwelling and its conversion into a House of Multiple Occupation. The proposed extension would be in keeping with the scale and character of the existing dwelling and would only be marginally larger than the existing addition that it would replace. The dwelling would retain permitted development rights. The site could also be used as a small house in multiple occupation for up to six people without the need for planning permission. The site was also located in a sustainable location within walking distance of the bus stop, railway station and local convenience store.

The Chairman permitted Councillor Ramsey Nagaty to speak in his capacity as ward councillor for three minutes in relation to the above application.

The Committee considered concerns raised that the proposed House of Multiple Occupation (HMO) was out of character in the surrounding area; the property could potentially home 5-7 individuals and the shared access was not wide enough for the potential number of parked cars and that the HMO represented an increase fire risk, would be of detriment to the enjoyment of neighbouring amenities and should be retained as a family home.

The Committee queried whether the amount of flat roof extension was acceptable and was confirmed by planning officers that it was given there was a flat roof element already to the front of the property.

The Committee considered that the application would provide homes for young professionals who more frequently chose to live in HMO's owing to it being an affordable option in an increasingly over-priced housing market. The fact that families occupied neighbouring properties should not be a reason to refuse an application for an HMO and/or be prejudicial on that basis.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	David Bilbe	X		
3	Caroline Reeves	X		
4	Marsha Moseley	X		
5	Angela Gunning	X		
6	Paul Spooner	X		
7	Jan Harwood	X		
8	Chris Blow		X	
9	Ruth Brothwell	X		
10	Fiona White	X		
11	Susan Parker		X	
12	Liz Hogger		X	
13	Colin Cross	X		
14	Maddy Redpath	X		
15	Tim Anderson	X		
	TOTALS	12	3	0

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

RESOLVED to approve application 20/P/01936 subject to the conditions and reasons as detailed in the report and amended condition 2, as detailed below to address a discrepancy on drawing 3198_110 received 06/01/21:

The development hereby permitted shall be carried out in accordance with the following approved plans: 3198_100 received 13/11/20 and 3198_101 revision A received 06/01/21 and 3198_110 revision A received 03/02/21.

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

PL86 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeal decisions.

The meeting finished at 9.35 pm

Signed

Date

Chairman

Agenda item number: 5

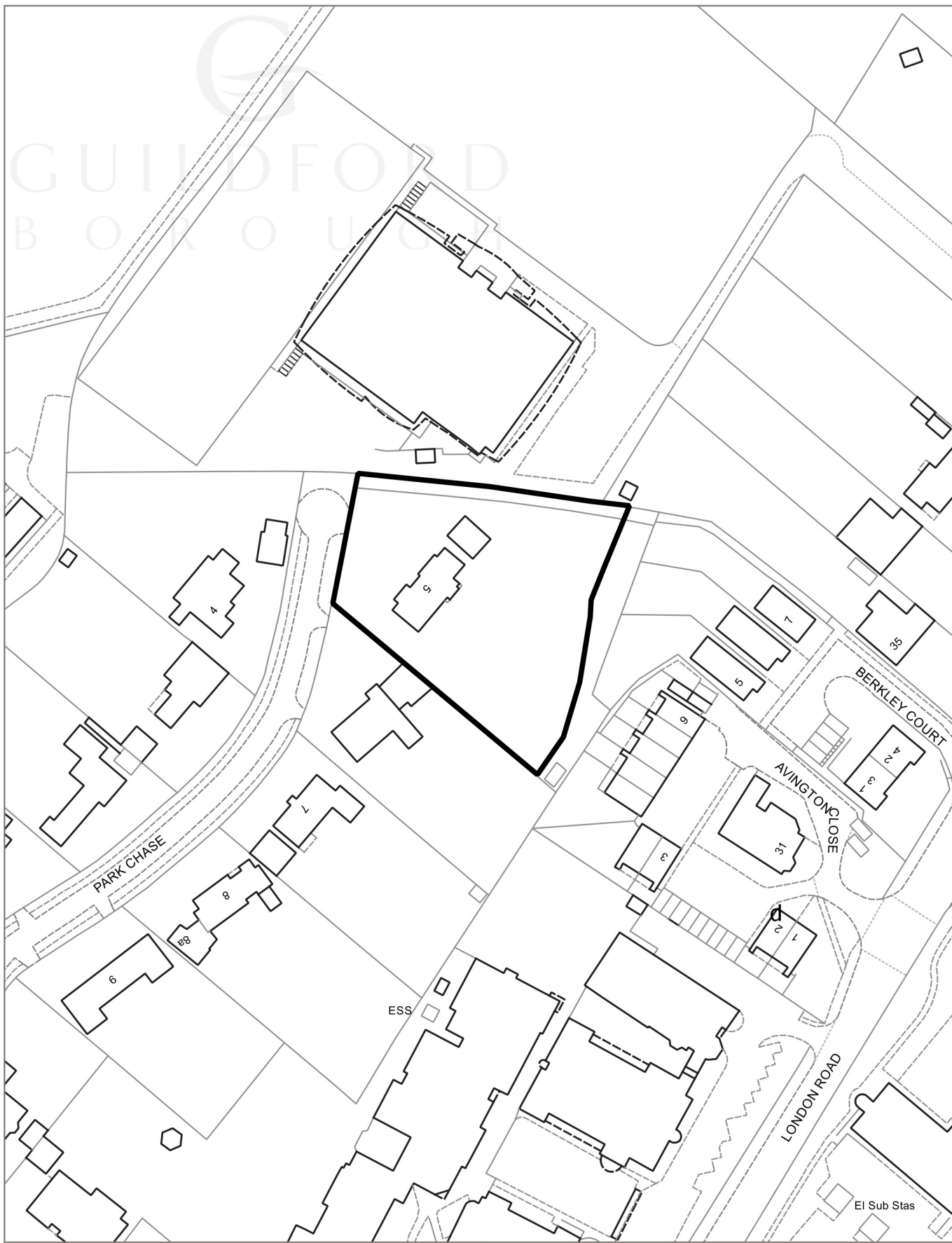
GUILDFORD BOROUGH COUNCIL
PLANNING COMMITTEE INDEX
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5.2	Merrow	Mr Walker, Merrow Centre	Merrow Centre for Remedial Education, 41 Down Road, Guildford, GU1 2PZ	20/P/01755	S106	43.
5.4	Effingham	Red Balloon Ockham Ltd, Pound Farm	Red Balloon Ockham Ltd, Pound Farm, Old Lane, Ockham, KT11 1NH	20/P/01830	APPC	59.
5.5	Ash South and Tongham	Mr Ghataore, 21 Oxenden Road	21 Oxenden Road, Tongham, Farnham, GU10 1AR	20/P/02126	APPC	69.

Total Applications for Committee 4

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20/P/01340 - 5 Park Chase, Guildford



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Print Date: 17/02/2021

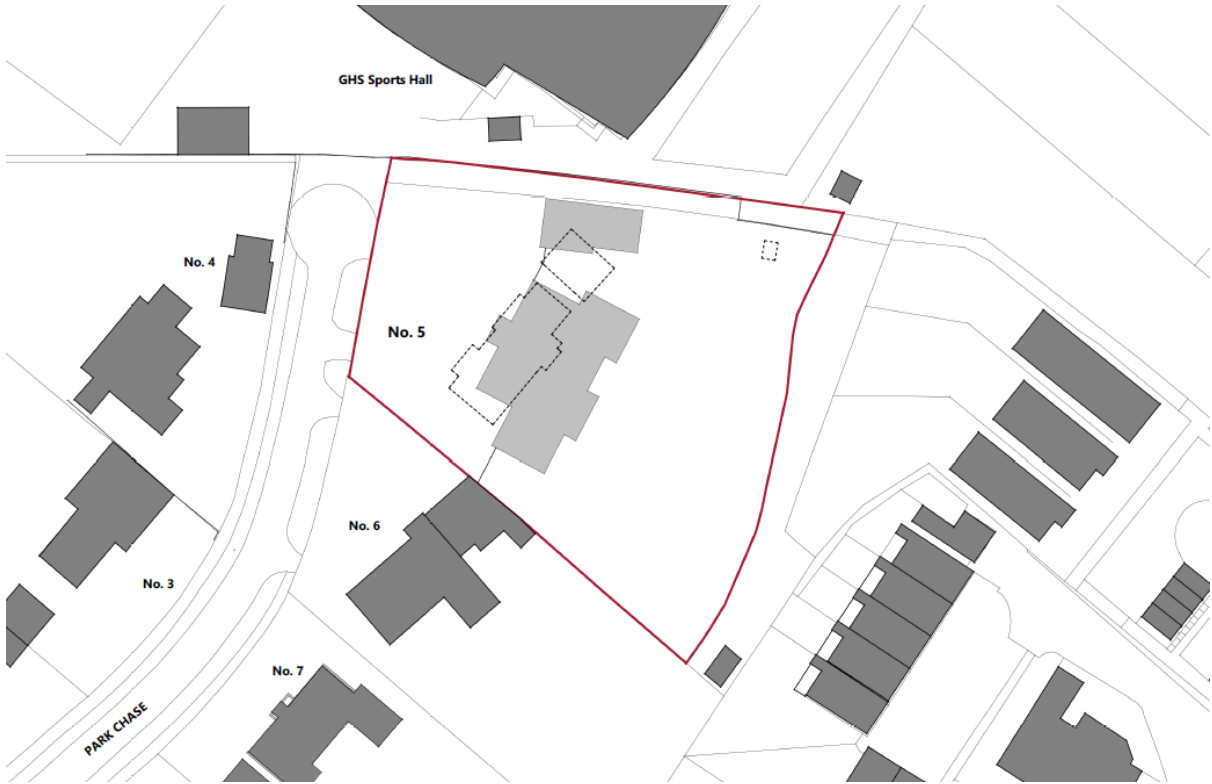


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GUILDFORD
BOROUGH

20/P/01340 – 5 Park Chase



App No: 20/P/01340 **8 Wk Deadline:** 05/03/2021
Appn Type: Full Application
Case Officer: Becky Souter
Parish: Christchurch **Ward:** Christchurch
Agent : Mr M Furner **Applicant:** Mrs Li
Lytle Associates Architects
20 Quarry Street
Guildford
GU1 3UY
5 Park Chase
Guildford
Surrey
GU1 1ES

Location: 5 Park Chase, Guildford, GU1 1ES
Proposal: Erection of a dwelling house with detached garage following demolition of existing dwelling house and detached garage.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by Councillor Dennis Booth for the following reasons:

- The scale and bulk of the proposal would be out of character with its surroundings contrary to policy G5 of the saved Local Plan, 2003.
- The building to be demolished is of historical interest.

The Officer has recommended the application be approved.

Key information

- The application site is located within the Guildford urban area
- The application seeks permission for a replacement dwelling.
- There is no in principle objection to the demolition of the existing dwelling as it is not statutorily listed, nor is it locally listed or within a conservation area.
- Vehicular access to the site would remain as existing.
- There would be adequate parking for two vehicles on the driveway and a further two vehicles in the double garage, exceeding the Council's Maximum Parking Standard.
- The proposed dwelling would be a six bedroom, three storey property.
- The application site is the largest plot within Park Chase and situated at the end of the cul-de-sac.

Summary of considerations and constraints

The proposal would have no materially harmful effect on the character of the site, the immediate street scene or the wider surrounding area. No adverse harm to neighbouring amenity has been identified. The proposal would create an acceptable living environment for future occupants. The development would result in no parking concerns. Whilst some smaller trees are to be removed from the site, tree planting is proposed and the protection of the significant mature trees to the front of the site will be secured by condition. No adverse impact on protected species, which cannot be mitigated, has been identified, the mitigation measures, along with a scheme for biodiversity enhancement is to be secured by condition.

Sustainability measures are also subject to conditions. The proposal is in compliance with both the national and local policies and, as a whole, is considered to be acceptable.

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: 1895_01 Rev C; 1895_02 Rev C; 1895_03 Rev C; 1895_04 Rev C and 1895_25 Rev A received on 10/08/2020, amended plans: 1895_07 Rev H; 1895_08 Rev H; 1895_09 Rev H; 1895_10 Rev H; 1895_11 Rev I; 1895_12 Rev H; 1895_13 Rev H; 1895_14 Rev H; 1895_17 Rev D and 1895_18 Rev D received on 03/12/2020 and amended plan: 1895_06 Rev H received on 04/12/2020.

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 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.

4. Prior to any above slab level works, details and samples of the proposed external facing and roofing materials including colour and finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

5. Prior to the commencement of development, energy information shall be submitted to and approved in writing by the Local Planning Authority. The energy information will identify the building regulations Target Emissions Rate (TER) and the Dwelling Emission Rate (DER) for the proposed dwelling(s), and demonstrate that the DER is at least 20 per cent lower than the TER for each dwelling hereby approved, including the use of energy efficiency measures and low and zero carbon energy technologies in line with the energy hierarchy, an accurate and robust appraisal of all potential technologies. The approved details shall be implemented prior to the first occupation of that dwelling and maintained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in the interests of sustainability.

6. Prior to any above slab level works, a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

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

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

8. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority

Reason: In the interests of sustainability.

9. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the ecological assessment [15th July 2020/Project number P3372/The Ecology Co-op] prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment.

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

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

Reason: In order to limit the impact of the development on protected species.

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

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

In this case pre-application advice was sought and provided which addressed initial issues, the application was not submitted in accordance with that advice, however, Officers have worked with the applicant to overcome these issues.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk

Officer's Report

Site description.

The application site is located within the urban area of Guildford. The area is characterised by large two storey houses of differing styles and designs, situated at the end of a private cul-de-sac. The site itself is a large two storey house which has a detached 2 bay garage situated to the side. Buildings are set back from the road and there are trees and shrubs along the frontages. No 5 has one tree in the front garden and an in and out drive, there is timber fencing along the shared boundaries and the site is generally flat in contour. The plot shape is tapered so that the road frontage is shorter than the rear boundary.

To the north are the tennis court for Stoke Park and the Guildford High School sports hall.

The site is within the 400m-5km buffer of the Thames Basin Heaths Special Protection Area. The highway along Park Chase has a low risk of surface water flooding and is the Townscape character area of Institutional Buildings associated with Open Spaces Guildford College/Stoke Park (10D).

Proposal.

Erection of a dwelling house with detached garage following demolition of existing dwelling house and detached garage.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
19/P/01768	Proposed erection of a detached two storey dwelling with rooms in the roof, detached garage with rooms above, car port and covered walkway following demolition of the existing detached house and garage.	Refuse 30/12/2019	N/A
11/P/00346	Detached garage.	Approve 21/04/2011	N/A

10/P/00639	Erection of detached garage with storage at first floor, following demolition of existing garage.	Refuse 01/06/2010	N/A
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Consultations.

Statutory consultees

County Highway Authority: No objection. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Amenity groups/Residents associations

Arts and Crafts Movement in Surrey: Objection. The proposal will result in demolition of an Arts and Crafts home which is a building of significant historical and architectural interest designed by a notable architect. Its demolition will cause great harm to the street scene and its replacement will be of detriment to the character of Park Chase. The building should be considered as a non-designated heritage asset. [Officer comment: The building is not statutorily listed, locally listed or within a conservation area. The Conservation Officer has reviewed the existing building against the requirements for Local Heritage Listing as set out in the Historic England Advice Note 7 which includes 10 criteria; Age, Rarity, Aesthetic Interest, Group Value, Archaeological Interest, Archival Interest, Historical Association, Designed Landscape Interest, Landmark Status, Social and Communal Value and in the majority of these categories the significance is rated low, whilst there is considered to be a medium level of significance with relation to age and group value, it is unlikely that the building would be considered to have a level of historic significance which merits the Council locally listing the building.]

Third party comments:

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

- The scale of the building.
- The existing house could have been sympathetically extended. [Officer comment: This is not what has been applied for under this application.]
- The applicant has ruined the street view by removing all vegetation on site, exposing the plot.
- The building works will result in damage to the private road and resurfacing will be needed, the applicant should be made to pay into the fund. [Officer note: This is a civil matter between neighbours.]
- The construction period will result in noise and disturbance to neighbouring properties.
- The landscaping replacement is inadequate.
- The height of the proposal is excessive and not in keeping.
- Landscaping conditions would be required to remediate the loss of vegetation on site.
- The size of the dwelling is likely to exceed the water requirement of 110 litres/per person/per day.
- The Design and Access Statement contains many errors.
- The materials are out of keeping with the existing property.
- Impact on neighbours, it will be an imposing building.
- The extent of glazing would impact on neighbour's privacy.

- There are covenants which restrict any commercial enterprises being carried out, the size and layout is excessive for a residential property and may be used for commercial purposes. [Officer note: Covenant restrictions are a legal matter and not a planning matter. Any use of the property in future for a commercial purpose would require a planning application and cannot be converted without consent.]
- Lorries and vehicular movements associated with the construction will have an impact on surrounding roads, such as Nightingale Road.
- Out of keeping.
- Water supply to the road is inadequate for such a large house.
- A basement has not been considered as a way to reduce bulk.

Following the receipt of amended plans 11 additional letters (10 from those who have already made representation) have been received reiterating the original comments and making these further points:

- The scale is still significant and nearly twice the size of the existing house.
- There is no updated design statement.
- Reduction in fenestration on the rear elevation is a positive change.
- No material changes made.
- The latest plans go as far as we can hope, adherence to them should be ensured.

Planning policies.

National Planning Policy Framework (NPPF), 2019:

Chapter 8: Promoting healthy and safe communities.

Chapter 12: Achieving well-designed places.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

Chapter 15: Conserving and enhancing the natural environment.

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

D1: Place shaping.

D2: Climate change, sustainable design, construction and energy

ID3: Sustainable transport for new developments.

ID4: Green and blue infrastructure.

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

G1	General Standards of Development
G5	Design Code
NE5	Dev. Affecting Trees, Hedges & Woodlands

Supplementary planning documents:

Residential Design Guide, 2004.

Vehicle Parking Standards, 2006.

National Design Guide, 2019.

Climate Change, Sustainable Design, Construction and Energy, 2020.

Planning considerations.

The main planning considerations in this case are:

- background
- the impact on the scale and character of the site and the character and appearance of the surrounding area
- living environment
- the impact on neighbouring amenity
- highways/parking considerations
- sustainability
- trees and vegetation
- the impact on protected species and biodiversity

Background

The application follows a previously refused proposal for a replacement dwelling. The reasons for refusal are set out below:

1. The proposed development, by virtue of the built form, height, mass and flat roof design of the main building and the size, height and location of the forward projecting garage, would have an adverse impact upon visual amenity of the street scene, be out of scale and character with the prevailing pattern of development and fail to maintain the spacious relationships to boundaries. The proposal is therefore contrary to policy D1 of the Guildford Borough Local Plan: strategy and sites 2019, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007), the requirements of the National Planning Policy Framework (NPPF), Planning Policy Guidance (PPG) and advice in the supplementary planning guidance: Residential Design Guide 2004 and National Design Guide 2019.

2. The proposals fail to demonstrate that there would be no harm to habitats for bats, a legally protected species contrary to policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) the requirements of the National Planning Policy Framework (NPPF) and statutory provisions of the Wildlife and Countryside Act (1981) (as amended) and Conservation of Habitats and Species Regulations (2017) (as amended).

The applicants have undertaken pre-application discussion post this decision making amendments to the scheme. The current application has also been amended during the determination process in order to respond to further concerns over the scale and bulk of the dwelling. The amended plans resulted in a change to the proposals by virtue of the removal of the two storey projection on the northern side of the property and the reduction in scale of the rooflight to the front elevation.

The impact on the scale and character of the site and the character and appearance of the surrounding area

The site falls within character type 5 of the Guildford Residential Design Guide SPG, which describes such areas comprising land was sold off in separate plots and individually designed dwellings were built. Many of the houses are detached houses, some with substantial garden areas and high levels of greenery.

These are extracts from the design checklist:

- respect street layout and widths, plot boundaries, building lines, spaces between buildings and adjoining building heights;
- the building does not dominate the plot, neighbouring property or the street scene;
- identify and respect local building styles, materials and detailing;
- where consistent boundaries exist, including walling and hedges, they should be retained and enhanced
- incorporate existing landscape feature;

Park Chase is a small cul-de-sac, with large detached houses, set back from the highway with attached and detached garages. There is a grass verge to the roadway and mature trees in the front and rear gardens. The dwellings all have an individual design and appearance. However, the landscape setting and sense of spaciousness is a feature of the street scene.

The application site shows a relatively open vista and there is good visibility into the site and as such the existing dwelling is clearly visible within the street scene. However, due to the angle of the building away from the road and the minimum set back of 13.9m at the southern end, it does not appear unduly prominent.

It is acknowledged that the Park Chase is mixed in terms of the sizes of plots and spacing between dwellings and to the boundaries and there are examples of enlargements to the original buildings. A number of the properties are of large scale with development spread across almost the entire width of their plot. The existing building at the application site is positioned centrally in the plot so as to ensure good spacing to both side boundaries. The application site is the largest plot in Park Chase and by virtue of its location, at the end of the road and adjacent to the Guildford High School Sports Hall, and its positioning, facing north-west, it is not read in the street scene in the same way as the other dwellings. The property itself is white rendered and as such is more prominent than other neighbouring dwellings.

The proposal relates to the demolition of the existing dwelling and detached garage and their replacement with a new dwelling and garage which would be link detached from the dwelling by virtue of a covered walkway. A number of comments have been made identifying the existing property as having historic merit and it being a good example of an Arts and Crafts property. The Conservation Officer has reviewed the existing building against the requirements for Local Heritage Listing as set out in the Historic England Advice Note 7 which includes 10 criteria; Age, Rarity, Aesthetic Interest, Group Value, Archaeological Interest, Archival Interest, Historical Association, Designed Landscape Interest, Landmark Status, Social and Communal Value and in the majority of these categories the significance is rated low, whilst there is considered to be a medium level of significance with relation to age and group value, it is unlikely that the building would be considered to have a level of historic significance which merits the Council locally listing the building. Whilst there is architectural merit to the property it is not a designated heritage asset and even if it were to be locally listed, which is unlikely based on the Conservation Officer's assessment, it would still remain a non-designated heritage asset and the Council would be unable to prevent its demolition. Therefore, there is no objection to the demolition of the existing property.

The scale of the replacement dwelling compared to the existing and previously refused proposal is set out in the table below:

	Existing	Proposed	Refused scheme (19/P/01768)
Max height	9.5 metres	10.7 metres	11.0 metres
Max width	19.4 metres	23.0 metres	28.6 metres
Max depth	9.9 metres	18.0 metres	21.6 metres
Garage height	6.7 metres	5.8 metres	6.9 metres
Garage width	6.0 metres	6.0 metres	6.8 metres
Garage depth	8.5 metres	13.0 metres	10.0 metres

The proposed dwelling would be a much larger property in all respects, but the biggest increase in scale is in the depth of the property, the increases in height and width are not insignificant however are reasonable considering the size of the plot.

It is of note that the neighbouring property, 7 Park Chase, has recently been granted planning permission which when constructed would result in a dwelling which is two storey across a width of 24.3 metres and extends across the majority of its plot width, being set right against the shared boundary with the application site. The proposed replacement dwelling would conversely be smaller in width than the neighbouring dwelling but maintain sufficient separation distances to the boundaries, particularly above ground floor level ensuring the spacious character is retained.

The ridge heights of neighbouring dwellings are identified on the elevational drawings and demonstrate that there is a gradual increase in height from 6 Park Chase to 7 Park Chase. The drawing also indicates that the height of the proposal would thus respect that of neighbouring properties. The existing dwelling extends at full two storey height over a greater width than the proposed dwelling which sets down to a single storey element on the southern edge.

The proposed garage would be attached to the dwelling by virtue of a covered link way, however, this would be set behind fencing and whilst the roof form of this element would be visible within the street scene, it would be set far back into the site and there would be a clear separation between the roof form of the garage and the dwelling, thereby, giving the illusion of detached elements. The garage would not exceed beyond the front building line of the main dwelling ensuring significant set back from the access and limiting its prominence in the street scene.

The proposed materials would include a palette of brick, render and timber boarding, red/brown plain clay tiles, metal painted casement windows and timber doors. The design of dwellings along Park Chase is quite individual and the proposed materials would not be unacceptable, the level of render on the property is already extensive and the proposed dwelling would retain rendered elements but utilise red/brown brickwork which is a feature of other dwellings. The proposed design would appear two storey from the front elevation with some small rooflights which indicate the presence of second floor accommodation but do not result in a three storey appearance which would dominate in the street scene. The design approach includes pitched roof forms, brick plinths, half height render panels and feature brick chimneys. The front elevation would have a very balanced fenestration and ensures symmetry in the design.

Whilst the replacement dwelling would be of greater scale than that existing, the proposed design is considered appropriate for its setting. The dwelling and garage would sit comfortably within the plot and retain spacing and views through, the built form is set back from the front boundary of the site and by virtue of its location at the end of the street there is scope for a slightly larger property. The overall approach predominantly respects the character of the surrounding area which is in the Guildford Urban area.

The proposal is therefore found to be compliant with policies D1 of the LPSS, 2015-2034 and G5 of the saved Local Plan, the Residential Design Guide, 2004, the National Design Guide, 2019, and the requirements of the NPPF, 2019.

Living environment

Policy D2 of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The proposal has resulted in the creation of a six bedroom, three storey dwelling, the Technical Standards require 134 square metres of floor area for a dwelling of this size. The floor space to be provided within the proposed dwelling would exceed this requirement and is acceptable in this regard. The standard also sets out dimensional requirements in respect of bedroom sizes, the proposed dwelling complies with these dimensional requirements. The floor plans show appropriate room sizes for their intended use and adequate outlook. There is adequate external amenity space.

The impact on neighbouring amenity

The closest residential neighbouring properties are 4 and 6 Park Chase and 5-8 Avington Close and 5-7 Berkeley Court.

4 Park Chase

The neighbouring property opposite the application site. The proposed dwelling, due to its orientation, would not face directly towards the front elevation of this property and would instead look towards the garage element, therefore, it is not considered that the proposal would result in any significantly harmful impact on neighbouring privacy. The dwelling would be positioned to the north-east of the application site and there would be a good separation distance and as such would not cause a loss of light. Whilst the new dwelling would be much larger and taller, it is not considered to be of a scale to cause any materially harmful overbearing impact.

6 Park Chase

The immediate neighbouring property to the south/south-west of the application site. This property has recently been granted planning permission for a first floor extension close to the boundary with the application site. There are no windows on the side elevation of the new first floor element at number 6 (which is currently under construction), the proposed dwelling would introduce 4 first floor side windows on the southern elevation which look towards the neighbouring property. Owing to its positioning within the plot and the separation distance it is not considered that the first floor side windows serving bedroom 4 would offer any opportunities for significant overlooking. It is also of note that there are first floor windows on the existing property.

The first floor windows serving bedroom 1 and its dressing room due to their relationship with the neighbour may create opportunities for some overlooking and considering that the nature of the dressing room and that it is served by two rooflights, it is appropriate to condition this to be obscure glazed and fixed shut, the same condition will be applied to the side window for bedroom 1 as this bedroom is served by several rear windows. The proposed dwelling is situated to the north of this neighbour and owing to the path of sunlight during the day would not result in loss of light. Whilst the building is of large scale, it would be single storey closest to the boundary and as such would not be harmfully overbearing.

5-8 Avington Close

Line of neighbouring properties to the south-east of the application site. These properties would be opposite the rear of the proposed dwelling with a rear to rear relationship. The land appears to rise slightly towards these neighbouring properties, there would be a minimum separation distance of 38.6 metres. Whilst there will be a number of windows on the rear elevation and at roof level which look directly toward the rear boundary of the site, the separation distance, boundary treatments and land levels will prevent any significant overlooking thereby ensuring the privacy of these residential dwellings is maintained. The orientation and positioning of the proposed dwelling is sufficient to prevent any loss of light levels or overbearing impact.

5-7 Berkeley Court

Line of neighbouring properties to the east of the application site. These properties would be opposite the rear of the proposed dwelling with a rear to rear relationship. The land appears to rise slightly towards these neighbouring properties, there would be a minimum separation distance of 38 metres. Whilst there will be a number of windows on the rear elevation and at roof level which look directly toward the rear boundary of the site, due to the proposed orientation, positioning, separation distance and land levels, the proposed dwelling would not be directly opposite the rear elevation of any of these properties in Berkeley Court and it is not found that there would be any significant impact on light levels received by these properties or privacy. Potential for overbearing impact is also limited.

The proposal is, therefore, not found to result in any materially harmful impact to neighbouring amenity in terms of loss of light, loss of privacy or overbearing impact and as such is compliant with policy G1(3) of the saved Local Plan and the requirements of the NPPF, 2019.

Highways/parking considerations

The application site is accessed via a private road and does not form part of the public highway; therefore, it falls outside the County Highway Authority's jurisdiction. It is not considered that the proposed development would result in a significant increase in vehicular trips on the surrounding highway network, as this would be a one for one replacement.

The site benefits from two accesses to form an in/out driveway, these will be retained. There is sufficient space on the proposed driveway to accommodate two or more vehicles on the driveway and a double garage is to be provided. Therefore, the level of parking would exceed the Council's maximum standard requirement.

As this is a private road any damage to the road from construction or occupation activities would be a private civil matter for those that own/manage the road.

Sustainability

The development is required to achieve a 20% reduction in carbon emissions through the use of energy efficiency measures and low and zero carbon energy technologies in line with the energy hierarchy. The focus should be on a fabric first approach meaning that in the first instance carbon emissions are reduced by maximising the performance of the components and materials that make up the building fabric and designing the building to make best use of the surrounding environment before improving efficiency further through the use of efficient building services or lowering carbon emissions further through low carbon energy. The development will also need to achieve a water efficiency of 110 litres per person/per day. However, no detailed information has been provided by the applicant in this respect. A condition will be added to secure the submission of these details to demonstrate compliance. A condition will also be applied to ensure the provision of a fast charge socket for electric vehicle charging in order to support sustainable transport.

Trees and vegetation

There are some trees on site, most of which are to be retained, a few smaller trees will be removed along the northern boundary in order to facilitate the development, however, it is proposed to plant new trees along this boundary.

There are some larger retained trees around the northern vehicular access, to ensure that the root protection areas (RPAs) of these trees are not at risk of constriction activity such as excavation, storage and movements of heavy vehicles, details of tree protection can be secured by condition. This will be a pre-commencement condition for which the Council has served the required notice on the applicant.

The proposal is found to be acceptable in this regard.

The impact on protected species and biodiversity

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

Paragraph 175 of the NPPF states that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

A Phase I Ecological Survey has been submitted with the application which identifies that the property is used for roosting by bats. The proposal includes the complete demolition of the existing dwelling and detached garage and as such without mitigation the development could potentially cause harm to individual bats. The report sets out that a European Protected Species (EPS) licence will be required in order for the development to be legally compliant in this regard. The report sets out a number of mitigation measures which should likely be required by the conditions of the licence, however, it is also appropriate to secure these by condition.

The habitats surrounded the property are used by foraging and commuting bats of at least five species as part of a wider resource across the landscape, it is important to minimise potential disturbance from artificial lights. As such a lighting scheme for any external lighting will be conditioned as part of any approval.

It is considered that on the basis of the information presented and the mitigation outlined along with the requirement for the development to secure a Bat Licence from Natural England, the Council can be satisfied that it is able to comply with its duty in this regard. The proposal is compliant with policy NE5 of the saved Local Plan and Chapter 15 of the NPPF, 2019.

Policy ID4 of the LPSS requires new development to achieve net gains in biodiversity across a site and this supports the requirements of Chapter 15 of the NPPF in regard to biodiversity. The Ecological Survey includes suggested ways in which biodiversity enhancements may be achieved but these are not detailed clearly enough to be conditioned and as such the submission of a scheme of biodiversity enhancement will be required by condition in order to demonstrate compliance with this policy.

Conclusion.

The proposal is found to be compliant with both local and national planning policies and as such is recommended for approval.

20/P/01755 - Merrow Centre For Remedial Education, 41 Down Road, Guildford



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GUILDFORD
BOROUGH

20/P/01755 – Merrow Centre for Remedial Education



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App No: 20/P/01755
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Merrow
Agent : Mr Lewis
CF.Architects Ltd
South Lodge
Wierton Hill
Boughton Monchelsea
Maidstone
ME17 4JS

8 Wk Deadline: 09/12/2020

Ward: Merrow
Applicant: Mr Walker
Merrow Centre
41 Down Road
Guildford
GU1 2PZ

Location: Merrow Centre For Remedial Education, 41 Down Road, Guildford, GU1 2PZ

Proposal: Variation of condition 2 (approved drawing numbers) of planning application 16/P/02402 approved 15/11/2017 so that new drawings 167(P)_001_rev1, 167(P)_003_rev1 & 167(P)_004_rev0 may be substituted to reflect the as built parking layout.

Executive Summary

Reason for referral

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

Key information

The proposal is for the variation of condition 2 (approved drawing numbers) of planning application 16/P/02402 approved 15/11/2017 so that new drawings may be substituted to reflect the 'as built' parking layout.

The revised parking layout (subject of this application) shows a reduction in the number of parking spaces from 7 to 6. A larger bin store has been relocated to where one of the parking spaces was originally proposed to be to the rear of the site.

This is a retrospective application and reflects the parking layout which has been built out on site.

This application does not propose any changes to the buildings themselves.

Summary of considerations and constraints

Whilst the proposal would result in the parking provision for the development being slightly less than required by the Council's adopted parking standards, each of the 3 bed units would have two parking spaces and each of the 2 bed units would have one parking space. The proposed parking provision would be an improvement compared to previous use of the site which had no off street parking provision.

As such, together with the relatively sustainable location of the site, it is considered that the proposed revision would not have an unacceptable impact on parking provision in the locality.

The application is therefore recommended for approval, subject to the revised drawing numbers condition and the relevant conditions from the 2006 permission being reapplied.

RECOMMENDATION:

(i) That a S106 Agreement be entered into to secure the provision of: SANG and SAMM Contributions in accordance with the updated tariff;

If the terms of the S106 or wording of the planning condition are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Planning Development Manager.

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

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

167(P)002/D, 010/D, 011/D, 015/D, 016/D, 022/2, 027/2, 029/2, 031/2 received on 30 November 2016 and amended plans: 167(P)025/3, 026/3, 030/3, 032/3, 020/4, 021/4 received on 20 December 2016.

167(P)001_rev1 and 167(P)004_rev0 received 14 October 2020.

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

2. The external materials shall be in accordance with the details as agreed under Condition 3 of 16/P/02402.

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

3. All new external joinery, including windows and door frames, shall accord with the details agreed under Condition 4 of 16/P/02402.

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

4. The existing original windows within the locally listed building shall be

retained and the repair works shall thereafter be carried out in accordance with the details approved under Condition 5 of 16/P/02402.

Reason: In order to safeguard the special architectural and historic interest of the locally listed building.

5. The boundary treatment shall be maintained in perpetuity in accordance with the details agreed under Condition 6 of 16/P/02402.

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

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Down Road has been constructed and provided with visibility zones in accordance with the approved plans (Drawing No. 167(P)003) and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: In order that the development should not prejudice highway safety or should it inconvenience other highway users.

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. 167(P)004_rev0) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety or should it inconvenience other highway users.

8. The development hereby approved shall be carried out in accordance with the 'precautionary working methodology' detailed within the Discussion and Recommendations section of the 'Bat Survey Letter of Report' dated 23 December 2016.

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

9. The development hereby approved shall be carried out in accordance with the biodiversity recommendations and enhancements set out in the 'Letter of Report: 40 Down Road, Guildford' (by Wychwood Environmental) dated 23 December 2016.

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

10. The details of energy efficiency as agreed under Condition 13 of 16/P/02402

shall be implemented prior to the first occupation of the development and retained as operational thereafter.

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

11. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015) and in accordance with the copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) for the development submitted in relation to Condition 14 of 16/P/02402.

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

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

However, Guildford Borough Council will generally not engage in unnecessary

negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was not sought prior to submission and the application was acceptable as submitted.

2. 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. The contact number is 0800 009 3921.
3. 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 we recommend you email a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
5. 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 to install dropped kerbs.
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs
6. The applicant is advised that any telegraph poles that need to be re-located, will be done so at the applicant's expense.

Officer's Report

Site description.

This site is located in the urban area of Guildford and 400m-5km buffer of the Thames Basin Heaths Special Protection Area (TBHSPA).

The application site comprises a former school building that is locally listed, this has been previously extended and previously had a hardstanding play area to the side of the building on the eastern side of Down Road. Planning permission was recently granted for the conversion of the former school building into three flats and the erection of a new detached dwelling to the northern side of the site where the playground used to be located. This development has now been built out.

Down Road comprises predominantly Victorian semi-detached dwellings with narrow front gardens in elongated plots. This is predominantly a residential area.

Proposal.

Variation of condition 2 (approved drawing numbers) of planning application 16/P/02402 approved 15/11/2017 so that new drawings 167(P)_001_rev1, 167(P)_003_rev1 & 167(P)_004_rev0 may be substituted to reflect the 'as built' parking layout.

Condition 7 of 16/P/02402 also needs to be changed to reflect the revised drawing numbers.

The revised parking layout (subject of this application) shows a reduction in the number of parking spaces from 7 to 6. A larger bin store has been relocated to where one of the parking spaces was originally proposed to be to the rear of the site.

This is a retrospective application and reflects the parking layout which has been built out on site.

This application does not propose any changes to the buildings themselves.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
16/P/02402	Proposed change of use of existing building (unoccupied school - use class D1) to two x two-bed and one x three-bed flats (use class C3). One new two storey detached dwelling and provision of seven off street parking spaces, cycle and recycling storage; dropped kerb for access, landscaping and associated works.	Approve	N/A

16/P/01005	Proposed change of use of existing building (unoccupied school - use class D1) to four x two bed. residential units (use class C3) and erection of a detached two storey building providing two x two-bed units; addition of dormer window on south-east elevation of existing building. Provision of six off-street parking spaces, cycle and recycling storage and dropped kerb for access onto Down Road.	Refuse 10/08/2016	N/A
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Consultations.

Statutory consultees

County Highway Authority:

- No objection, subject to recommended condition.
- The reduction of parking to six spaces, from seven, is deemed to not have a detrimental impact on the surrounding highway network.
- A previous application, 16/P/01005 for this site for 6 x 2 bedroom dwellings proposed six parking spaces to which the CHA raised no objections, the current proposal is a reduction in dwellings compared to 16/P/01005.
- As noted in the previous application, the previous use of the site did not provide any off street parking and therefore the proposal could be seen as an improvement in regards to parking.
- The proposed development is not likely to have a severe impact on the local highway network. Subject to the recommended condition being imposed, the County Highway Authority has no requirements.

Amenity groups/Residents associations

Marrow Residents Association:

- a reduction of 1 space to 6 off-street parking spaces is contrary to GBC Parking Standards. *[Officer note: GBC Parking Standards require the provision of 7 parking spaces for the dwelling mix proposed]*
- there is an acute shortage of parking in Down Road, which necessitates overflow parking in Daryngton Drive. This is compounded by other overflow parking already from Boxgrove Gardens, also caused by insufficient local parking provision. Any increase in the level of overflow parking could lead to unacceptable tensions between local residents, which should be avoided. There are other areas on the site that can be used to site bins without encroaching on the parking spaces.
- this retrospective design change would set a precedent for other developments
- the amenities of the new occupants/residents in the development will be adversely affected, due to inadequate parking spaces within. Consequential double parking would be problematic

and unacceptable for all.

- the GBC long established Parking Standards are no longer realistic. The number of vehicles should not be counted as say 1.5 when it's likely that 2 vehicles will be owned for a 2 bed dwelling.

Third party comments:

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

- Down Road has no space for overflow parking from this development
- revised drawings show a bike store and gate into the alleyway but these have not been constructed, the garden has been extended into this space
- will create parking and safety issues for residents of Down Road
- would add to the cumulative impact of on-street parking
- the use of the amenity space to the rear of the flats, solely for the use of the rear flat, fails to provide outdoor amenity space for each flat.

[Officer note: this is not a change from the approved plans. The original application showed a single amenity space to the rear of the rear flat and there are no conditions which state this has to be made available to all flats]

- concerns regarding brickwork pointing and materials don't blend in

[Officer note: This application only relates to revisions to the parking layout]

- will not accord with parking standards
- will exacerbate problems of overflow parking in Daryngton Drive
- the developers have already caused a lot of disruption to residents during construction
- there is alternative space on site where the bins could be stored

Planning policies.

National Planning Policy Framework 2019 (NPPF):

- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guilford Borough Local Plan: strategy and sites 2019 (Local Plan 2019):

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer.

This supply is assessed as 6.42 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

- D1 Place shaping
- D3 Historic environment
- ID3 Sustainable transport for new developments

Following the adoption of the Guildford Borough Local Plan: strategy and sites, until the local plan Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan.

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

- G1 General Standards of Development
- G5 Design Code
- NE4 Species Protection

Supplementary planning documents

- Vehicle Parking Standards SPD (2006)
- Surrey County Council Vehicular and Cycle Parking Guidance (2012)
- Thames Basin Heath Special Protection Area Avoidance Strategy (2017)

Planning considerations.

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or

removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

In this instance the application suggests the variation of condition 2 of planning permission 16/P/002402 which relates to drawing numbers, so that new drawings may be substituted to reflect the as built parking layout. The revised parking layout shows a reduction in the number of parking spaces to serve the development from 7 to 6 parking spaces now proposed.

The application states that the revision is a result of a requirement by the applicant for a larger bin store than originally proposed which is now positioned to the rear of the site, in place of the 7th parking space.

No changes are proposed to the converted school building or new build dwelling.

The primary considerations resulting from this change would be:

- highway / parking considerations
- scale and character
- Thames Basin Heath SPA
- legal agreement requirements
- retrospective application

Highway / parking considerations

Para 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Firstly, it is acknowledged that there is high demand for on-street parking within Down Road as few properties have off-street parking. Third party representations have also raised concerns that the road is also used for overflow parking from neighbouring Boxgrove Gardens. However, it is also important to note that there was no off-street parking associated with the previous use of the site as a school and associated playground. The site is also located in a sustainable location, within walking distance of bus routes in Guildford Town Centre which run along Epsom Road and approximately 1 km from the nearest Local Shopping Centre in Merrow.

Planning application 16/P/02402 granted planning permission for the conversion of the former school building into 1 x 3 bedroom flat and 2 x 2 bedroom flats and the erection of a new detached 3 bedroom dwelling to the side of the school building. The approved plans showed the provision of 7 parking spaces.

The Council's adopted parking standards require the provision of 2 parking spaces per 3 bed dwelling and 1.5 spaces per 2 bedroom dwelling. This equates to a requirement of 7 parking spaces for the development which was shown on the plans approved under 16/P/02402.

As set out above, as a result of a larger bin store being provided than originally proposed, the bin

store is now positioned on one of the originally approved parking spaces at the rear of the site. The parking provision has subsequently been reduced to 6 parking spaces. This equates to 2 spaces for each of the 3 bed units and 1 parking space for each of the 2 bed units. This revised parking provision therefore falls slightly short of the Council's adopted parking standards requirements.

The County Highway Authority (CHA) has raised no objection to the application subject to a condition to ensure the parking provision now proposed is retained.

The CHA has advised that the reduction of parking to six spaces, from seven, is deemed to not have a detrimental impact on the surrounding highway network. A previous application, 16/P/01005, for this site proposed six parking spaces to which the CHA raised no objections. This previous proposal was for 6 x 2 bedroom dwellings and therefore in order to accord with Council's parking standards would have required the provision of 9 parking spaces. The current proposal is a reduction in dwellings compared to this previous application (16/P/01005). Also, as noted by the CHA in the previous applications (16/P/01005 & 16/P/02402), the previous education use of the site did not provide any off street parking and therefore the proposal could be seen as an improvement in regards to parking.

The role of the CHA is primarily to advise on highway safety matters and transportation implications and it has confirmed that the proposed development is not likely to have a severe impact on the local highway network.

The concerns raised by residents regarding the high demand for on-street parking in Down Road are fully acknowledged. However, given that the parking provision now proposed would still be an improvement from the parking provision associated with the previous use of the site, the relatively sustainable location of the site and that 1 parking space will still be provided for each of the 2 bedroom units, with 2 spaces for each of the 3 bedroom units, it is considered that the revised parking layout is acceptable in this instance and would accord with the requirements of Policy ID3 of the 2019 Local Plan and Para 109 of the NPPF.

Scale and character

The only external change from the approved plans is the positioning of a larger bin store in place of a parking space to the site. The approved plans showed a smaller bins set to the rear of the amenity area to the rear of the converted former school building. The revised bin store will be more visible, however it will be modest in height and read against the backdrop of the fencing to the rear boundary of the site. As such, there are no concerns with regard to the impact of the revised proposed on the scale and character of the site or the surroundings.

Thames Basin Heaths SPA

The site is within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The proposed development may adversely impact the TBHSPA due to the net increase in residential units at the site. The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management (SAMM) contribution to avoid any adverse impact in line with the tariff within the annual updating of the off-site contributions document.

As part of the application process the Council has undertaken an Appropriate Assessment (AA),

which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy.

A S106 agreement was entered into under the original application (16/P/02402) to secure the necessary contributions. However, since the original application was approved, there has been an increase in the contributions required in line with the annually updated tariff. Therefore a deed of variation is required to secure the increased financial contribution required. The applicant has agreed to enter into a legal agreement to secure the necessary contributions. As such, it is concluded that the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy 2017 and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Legal agreement requirements

The three tests set out in Regulation 122(2) and 123 of The Community Infrastructure Levy 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.

The development is required to mitigate its impact on the TBHSPA; this would be through a financial contribution to SANGS and SAMM. This would accord with the TBHSPA 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.

The applicant has agreed to enter into a legal agreement to secure the necessary contributions.

Retrospective application

A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that the remains a potential material consideration.

The statement does not advise the level of weight it that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The NPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise unauthorised development, the

local planning authority has given weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

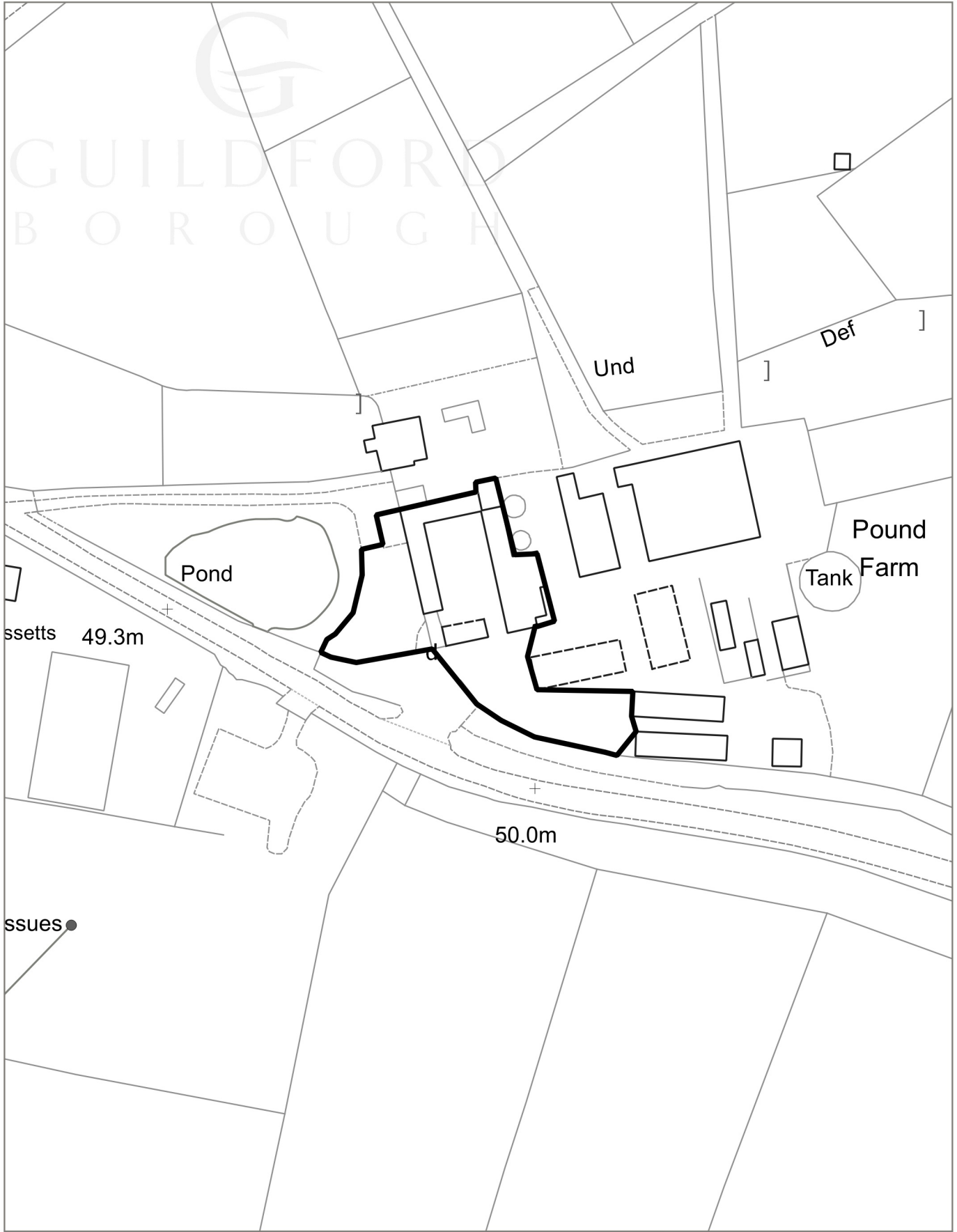
Conclusion.

Whilst the proposal would result in the parking provision for the development being slightly less than required by the Council's adopted parking standards, each of the 3 bed units would have two parking spaces and each of the 2 bed units would have one parking space. The proposed parking provision would be an improvement compared to previous use of the site which had no off street parking provision. As such, together with the relatively sustainable location of the site, it is considered that the proposed revision would not have an unacceptable impact on parking provision in the locality.

All of the relevant conditions from the previous application will be reapplied.

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20/P/01830 - Red Balloon Ockham Ltd, Pound Farm, Old Lane, Cobham



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Print Date: 16/02/2021

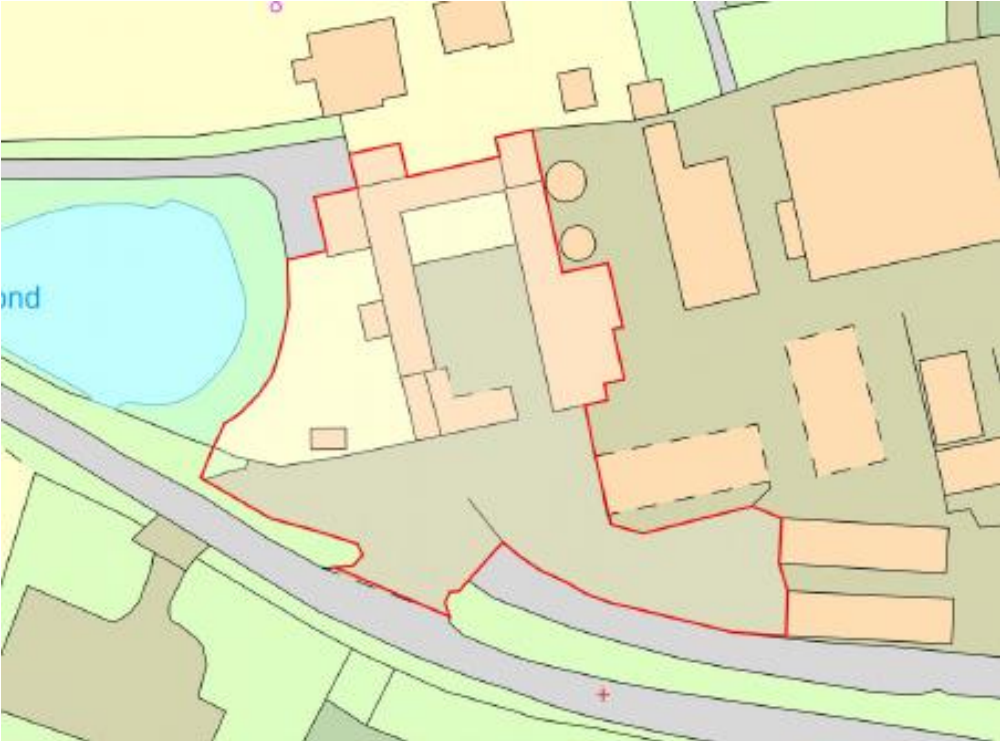


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GUILDFORD
BOROUGH

20/P/01830 – Red Balloon Ockham Ltd



App No: 20/P/01830
Appn Type: Full Application
Case Officer: Carolyn Preskett
Parish: Ockham
Agent : Mr. Geoff Douglass
Pelham Planning Associates
Ltd
2 Stag Leys
Ashtead
KT21 2TD

8 Wk Deadline: 21/12/2020
Ward: Lovelace
Applicant: Mr. Greg Ganjou
Red Balloon Ockham Ltd
Pound Farm
Old Lane
Ockham
Nr Cobham
KT11 1NH

Location: Red Balloon Ockham Ltd, Pound Farm, Old Lane, Cobham, KT11 1NH
Proposal: Variation of condition 3 of planning permission 11/P/01496, approved on 28/09/2011, to allow 81 pupils and 21 staff per day (instead of the approved number of users - 54 pupils and 16 staff).

Executive Summary

Reason for referral

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

Key information

The proposals seek planning permission to allow an increase in the number of pupils and staff at the day nursery with the variation of condition 3 of planning permission 11/P/01496. The proposals would result in the following changes:

- an increase in pupils from 50 per day to 81 per day
- an increase in staff from 16 per day to 21 per day

The existing use is well established on the site.

Summary of considerations and constraints

The main consideration, given the reasoning for condition three, is the impact of the proposal on highway safety and capacity.

The County Highway Authority notes that the proposed development will not result in a significant increase in vehicular trips on the surrounding highway network. No concerns have been raised regarding highway safety. Given the response from the County Highway Authority it is held that a refusal of planning permission on highway grounds could not be substantiated. As such the proposed changes are deemed to be acceptable and the application is recommended for approval.

RECOMMENDATION:

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

1. The premises shall be used for Day Care Nursery and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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. In accordance with the following policy number(s), G1(3) and HE4 of the Guildford Borough Local Plan 2003 (as saved by the CLG Direction 24/09/07) and policies P2 and ID3 of the Guildford Borough Local Plan : Strategy and Sites 2015-2034 (adopted 25 April 2019).

2. The numbers of users of the Red Balloon Ockham Ltd Day Care Nursery shall not exceed 81 pupils and 21 staff per day.

Reason: To ensure that the use of the site does not exceed current levels as this may increase vehicular movements to and from the site to an unsustainable level.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: proposed ground floor plan and site location plan, as well as any relevant plans associated with 11/P/01496.

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

Informatives:

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

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

In this case pre-application advice was not sought prior to submission. However, the application was acceptable as submitted.

Officer's Report

Site description

The application site is a day nursery in buildings that were originally used as stables and are arranged around a stable yard at Pound Farm, accessed off Old Lane. The site is well screened being bounded by mature hedging and vegetation. Two of the buildings within Pound Farm are listed, these being the farm house and timber barn.

Proposal

Variation of condition 3 of planning permission 11/P/01496, approved on 28/09/2011, to allow 81 pupils and 21 staff per day (instead of the approved number of users - 54 pupils and 16 staff).

Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
15/P/00514	Listed Building Consent for conversion of timber barn and adjacent workshop / stables for use as school hall (De use).	Approve 12/06/2015	N/A
15/P/00513	Conversion of timber barn and adjacent workshop / stables for use as school hall (De use).	Approve 12/06/2015	N/A
14/P/00935	Listed Building Consent for the conversion of timber barn and adjacent workshop/stables into a school hall.	Withdrawn 27/06/2014	N/A
14/P/00934	Conversion of timber barn and adjacent workshop/stables into a school hall.	Withdrawn 27/06/2014	N/A
11/P/01496	Variation of condition 6 of planning application 07/P/02292 approved 13/07/2007, to allow 54 pupils and 16 staff per day (instead of the approved number of users - 50 pupils and 20 staff per day).	Approve 29/09/2011	N/A

10/P/01362	Listed building consent for the addition of a retractable awning to west elevation and the replacement of a window with french doors.	Approve 07/09/2010	N/A
10/P/01361	Addition of a retractable awning to west elevation, the replacement of a window with french doors and the erection of a freestanding retractable awning.	Approve 07/09/2010	N/A
07/P/02293	Listed Building Consent for conversion of disused office, tack room and stables at eastern end of yard to provide additional accommodation for Day Care Nursery. Widening of building and raising of roofline to provide glazed corridor.	Approve 14/12/2007	N/A
07/P/02292	Conversion of disused office, tack room and stables at eastern end of yard to provide additional accommodation for Day Care Nursery. Widening of building and raising of roofline to provide glazed corridor.	Approve 14/12/2007	N/A
06/P/01347	Listed Building Consent for the addition of a window to front elevation of Day Care Nursery.	Approve 21/08/2006	N/A
06/P/01346	Addition of window to front elevation of Day Care Nursery.	Approve 21/08/2006	N/A
03/P/00984	Listed Building Consent for conversion of two adjoining stables to provide additional accommodation for Day Care Nursery.	Approve 17/06/2003	N/A
03/P/00697	Conversion of two adjoining stables to provide additional accommodation for Day Care Nursery.	Approve 14/05/2003	N/A

Consultations

County Highway Authority: No objections raised. 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.

Environmental Health: No objections raised.

Ockham Parish Council: Object on the following grounds:

- the planning consent granted under 11/P/01496 states very clearly under condition 3 that the numbers of users should not exceed 54 pupils and 16 staff per day. This condition was imposed to ensure that the vehicular movements to and from the site were not increased to an unsustainable level. Similarly condition 6 of the planning consent granted under 07/P/02292 imposed a restriction on staff and pupil numbers for the precise same reason.
- as SCC and GBC are aware, local roads, including, most significantly, Old Lane suffer from excessive vehicular use and therefore previous conditions imposed to restrict the numbers remain valid.

Ockham and Hatchford Residents Associations: Object on the following grounds:

- The planning consent granted under 11/P/01496 states very clearly under condition 3 that the numbers of users should not exceed 54 pupils and 16 staff per day. This condition was imposed to ensure that the vehicular movements to and from the site were not increased to an unsustainable level. Similarly condition 6 of the planning consent granted under 07/P/02292 imposed a restriction on staff and pupil numbers for the precise same reason.
- As SCC and GBC are aware, local roads, including, most significantly, Old Lane suffer from excessive vehicular use and therefore previous conditions imposed to restrict the numbers remain valid.

Third party comments

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

- traffic generation
- 216 additional journeys per day down Old Lane. The road is not suitable for this current intensification of use in green belt land
- insufficient safe parking
- access and highway safety issues
- noise and disturbance
- Wisley Airfield that does not have planning consent is not a valid reason for approval
- additional air pollution
- impact on Green Belt
- impact on the SPA
- overbearing nature of proposal

Planning policies

National Planning Policy Framework (NPPF) 2019:

Chapter 1 Introduction

Chapter 2 Achieving sustainable development

Chapter 4 Decision making

Chapter 12 Achieving well designed places

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

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

D1	Place shaping
D3	Historic environment
P2	Green Belt
ID3	Sustainable transport for new developments

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

G1(3)	Neighbouring amenity
HE4	New development which affects the setting of a listed building

Lovelace Neighbourhood Plan:

The Council has made the decision to accept the Lovelace Neighbourhood Plan examiner's recommendations. The plan will be modified as specified in the examiner's report and then progressed to a referendum of people who live within Lovelace ward who are eligible to vote in local elections. There is currently a moratorium on local polls until May 2021 due to Covid. A date will be set once Electoral Services have had time to consider when the most appropriate date would be.

In the meantime the plan (as modified) carries significant weight in planning decisions as per the NPPG (see para 107, Neighbourhood Planning) and decision makers can read the submitted plan against the examiners recommendations to understand what policy should apply.

LNPH1	Suitability of Development Sites
LNPEN2	Biodiversity and Natural Habitats
LNP12	Public Transport and Sustainable Travel
LNP14	Parking

Supplementary planning documents

Vehicle Parking Standards SPD 2006

Planning considerations

The main planning considerations in this case are:

- s73 application
- the intensification of use and impact on the highway

s73 application

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account - for example the principle of the original permission cannot be re-visited. Additionally it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained.

The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

In this instance the application suggests the variation of condition 3 of planning permission 11/P/01496 approved 28/09/11 which states:

'The numbers of users of the Martyrs Green Montessori Day Care Nursery shall not exceed 50 pupils and 20 staff per day.'

Reason: To ensure that the use of the site does not exceed current levels as this would increase vehicular movements to and from the site to an unsustainable level and would therefore be contrary to the provisions of policy G1 of the Guildford Borough Local Plan 2003 (as saved by the CLG Direction 24/09/07), policy DN2 of the Surrey Structure Plan 2004 (as saved by the CLG Direction 21/09/07) and PPG13'.

The proposed new wording of the condition is as follows:

'The number of users of the Day Care Nursery shall not exceed 81 pupils and 21 staff per day.'

Reason: To ensure that the use of the site does not exceed current levels as this may increase vehicular movements to and from the site to an unsustainable level'.

The primary considerations resulting from this change would be:

- an increase in pupils from 50 per day to 81 per day
- an increase in staff from 16 per day to 21 per day

The existing use is well established on the site. Consideration has to been given to the reasons for the condition being imposed in the first instance and whether this condition is still required.

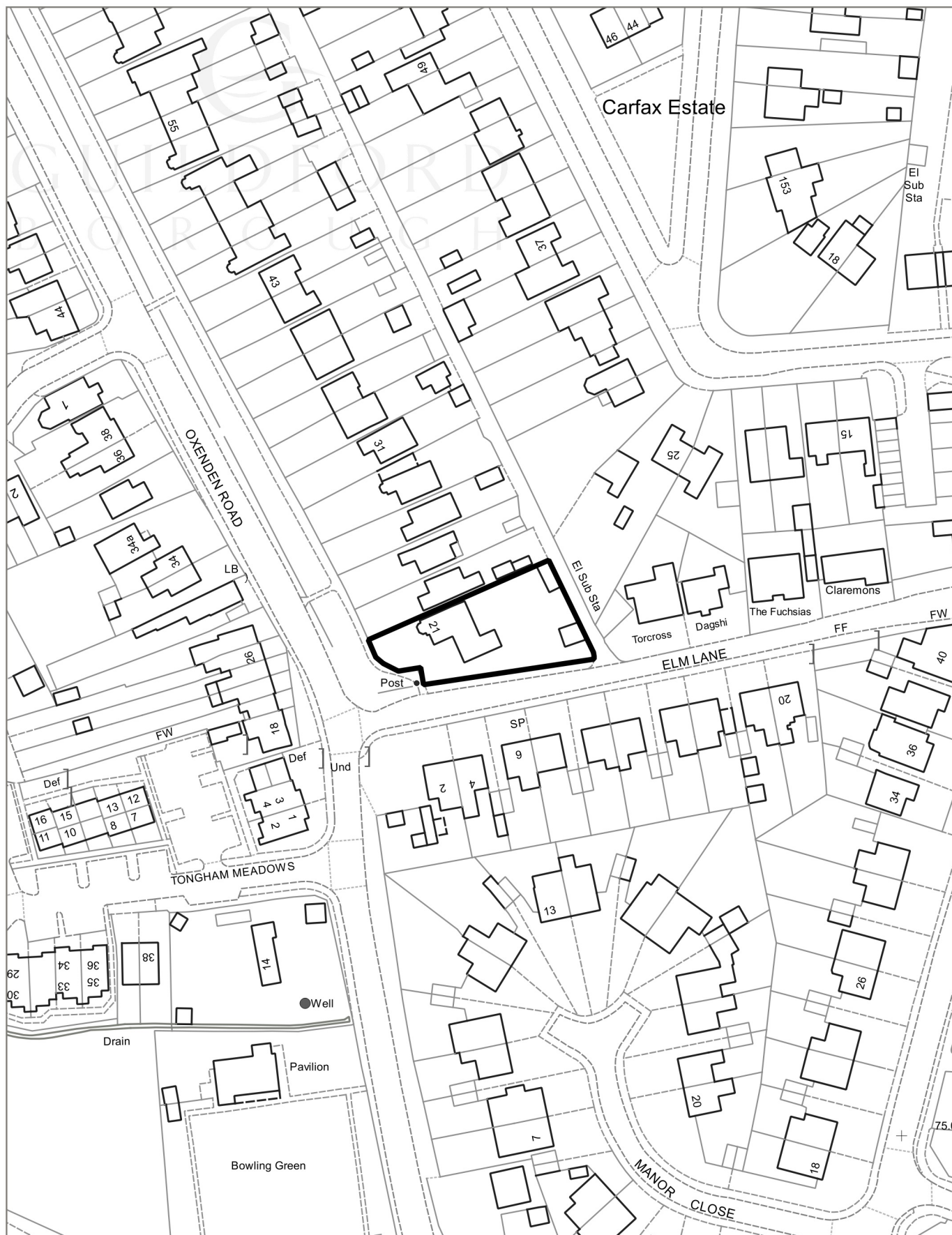
Intensification of use and impact on the highway

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The primary reason for the condition stated on the decision notice for planning application 11/P/01496 was to ensure that the intensity of the use did not increase vehicle movements to and from the site to an unsustainable level. The existing condition attached to 11/P/01496 allowed 54 pupils and 16 staff per day. This current application seeks to allow 81 pupils and 21 staff per day. It is worth noting that the original decision was based on the numbers given at that time and at no point did the County Highways Authority state that any increase in numbers would be unacceptable. The number restrictions on the original application were simply put on as a condition because they were the numbers given by the applicant at the time.

Whilst the concerns of local residents and the Parish Council are noted, the County Highway Authority have been consulted on the proposed changes and have raised no objection to the proposed variation of condition. The County Highway Authority comments that the increase in the number of pupils from 54 to 81 will result in 27 additional trips to the site. Out of 27 potential trips, 17 (63%) would be travelling within the local area (5km) and the remaining 10 trips are predicted from outside the local area. The County Highway Authority state that it is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network. As such, it can be concluded that the proposal would not result in any severe impacts on the road network. In addition, no concerns have been raised regarding highway safety. There would remain adequate parking on the site for visitors and staff. Given the response from the County Highway Authority it is held that a refusal of planning permission on highways grounds could not be substantiated. As such the application is recommended for approval.

20/P/02126 - 21 Oxenden Road, Tongham, Farnham



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Print Date: 17/02/2021



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GUILDFORD
BOROUGH

20/P/02126 – 21 Oxenden Road



App No: 20/P/02126
Appn Type: Full Application
Case Officer: Elliot Finch
Parish: Ash
Agent : Mr J Jutley
JSJ Designs
17 Gledwood Crescent
Hayes
UB4 0AX

8 Wk Deadline: 05/02/2021

Ward: Ash South & Tongham
Applicant: Mr G Ghataore
21 Oxenden Road
Tongham
GU10 1AR

Location: 21 Oxenden Road, Tongham, Farnham, GU10 1AR
Proposal: Proposed rear garden granny annexe, following demolition of existing sheds and felling one tree

Executive Summary

Reason for referral

The application has been referred to Planning Committee because Councillor Paul Spooner considers that the proposed granny annexe could have a materially harmful impact on the character of the site and surrounding area, and neighbouring amenity, due to the height of the development and its position at the rear of the site taking into account the separation distance from the host dwelling, contrary to policy D1 of the Guildford Borough Local Plan: Strategy and Site 2019, policies G1(3), G5 and H8 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007), and the guidance outlined in the Council's Supplementary Planning Document: Residential Extensions and Alterations 2018.

Key information

The host dwelling is a detached bungalow set in a corner plot adjacent to Oxenden Road and Elm Lane, located within the Urban Area of Ash & Tongham. The surrounding area is comprised of residential properties of a similar size and design. Vehicular access to Nos 21 - 85 Oxenden Road is located at the rear along a narrow unnamed lane. There are several existing outbuildings, sheds and garages located along the access lane.

The application proposes a detached single storey granny annexe located in the rear garden of the host dwelling, following demolition of existing sheds and the felling one tree. The proposal would be constructed in brick to match the host dwelling and would feature a flat roof. It would have a rectangular footprint that measures 8.6 metres by 6.6 metres and its height would range from 3 metres to 3.5 metres due to sloping ground levels. The development would contain a living room, bedroom and bathroom and would remain ancillary in use to the host dwelling.

The proposal would be located 1 metre away from the rear boundary fence and access lane. It would be visible from the access lane but set back from Elm Lane by a minimum 12 metres and screened by surrounding vegetation. There would be a separation distance of approximately 9 metres between the dwelling and the proposed development.

The existing property is served by 2 car parking spaces, both spaces located in an off-road parking area at the rear of the site accessed from the rear lane.

Several coniferous trees are located within the site in the vicinity of the proposed development. One relatively young and possibly dead specimen is proposed to be removed.

Summary of considerations and constraints

The principle of erecting an ancillary domestic outbuilding in the urban area is acceptable.

The proposal would have no materially harmful effect on the character of the site, the Oxenden Road and Elm Lane street scenes, or the wider surrounding area. No adverse harm to neighbouring amenity has been identified. The development would result in no parking concerns and the removal of a single tree would be acceptable.

The proposal is in compliance with both the national and local policies and, as a whole, is considered to be acceptable.

The proposal is therefore recommended for approval subject to conditions, including one that shall require the development remains ancillary in use to the host dwelling in perpetuity.

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: VD138 / PL01, VD138 / PL02, VD138 / PL03 and VD138 / PL04 received on 11 December 2020.

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 walls 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 host dwelling.

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

4. The development hereby permitted shall remain ancillary in use to the host dwelling in perpetuity.

Reason: In the interests of the character and appearance of the area.

Informatives:

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk

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

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

In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.

Officer's Report

Site description.

The property is a detached bungalow located in the Urban Area of Ash & Tongham. The surrounding area is comprised of residential properties of a similar size and design.

The property occupies a corner plot. To the east of the site lies a small area of grassy amenity land and beyond that is the main road Oxenden Road. The southern border of the site lies adjacent to a narrow strip of scrub land currently occupied by mixed shrubbery. Beyond the scrub land lies Elm Lane. There is a narrow unnamed lane to the rear of the site which provides vehicular access to the rear of Nos 21 - 85 Oxenden Road.

Proposal.

Proposed rear garden granny annexe, following demolition of existing sheds and felling one tree.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
93/P/01260	Single storey side extension to provide kitchen and utility room. (As amended by plans received 11/01/94 and 14/10/94).	Approve 07/12/1993	N/A

Consultations.

Parish Council: Object. 1. Concern that it is not made into a separate dwelling and must remain ancillary to main building. Either a bathroom or kitchen must continue to be shared with the host property for the application to be regarded as an annex. [Officer note: Use of the proposed outbuilding as an independent dwelling would require planning permission not applied for currently and the submitted floor plan does not show a kitchen. A condition will be included to ensure the annexe remains ancillary to the host dwelling.]

2. Flat roof extension is contravention of Guildford Borough Councils Design Guide for Residential Extensions and Alterations 2018.

3. Request that the Councils arboriculturist be consulted concerning the tree to be felled and that a suitable replacement be planted.

Third party comments:

None received.

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 4. Decision-making

Chapter 12. Achieving well-designed places

Guildford Borough Local Plan: Strategy and Site 2019

D1 Place shaping

ID3 Sustainable transport for new developments

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

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

G1(3) Protection of amenities enjoyed by occup

G5 Design Code

H8 Extensions to Dwellings in Urban Areas

NE5 Development affecting trees, hedges and woodlands

Supplementary planning documents:

Residential Extensions and Alterations 2018

Vehicle Parking Standards 2006

Planning considerations.

The main planning considerations in this case are:

- the impact on the character of the site and surrounding area
- the impact on neighbouring amenity
- parking considerations
- impact on trees and vegetation

Impact on the character of the site and surrounding area

The principle of erecting an ancillary domestic outbuilding in the urban area is acceptable.

The proposed single storey outbuilding would measure 8.6m long by 6.6m wide by 3m tall, and would be situated at the rear of the garden in a slightly elevated position relative to the host dwelling due to sloping ground levels. The building elevation facing into the garden away from the back lane would be 3.5m tall. The new development would be positioned adjacent to the lane running along the back of the site and set away from the boundary by 1m. The rear garden is relatively spacious and as such the outbuilding would not result in overdevelopment of the plot. Whilst large, the outbuilding's footprint would be smaller than that of the host dwelling, and the low flat roof design would ensure that the development remains subservient in scale and size to the host bungalow.

The proposed development would not have the appearance of a new dwelling by virtue of having its most active frontage in terms of fenestration and principal entrance facing into the garden and away from the rear lane. The proposal would have a limited impact on the character of the surrounding area given that it would be located to rear of the site where it would not front a main road and would be relatively well-screened by surrounding vegetation. It is noted that the outbuilding would be visible to users of the rear lane but this is not a significant public street scene and other outbuildings, sheds and garages currently exist along the lane, some of which feature flat roofs. As such the proposed flat roof and the design of the development overall would be in keeping with the character of the surrounding area.

Therefore, subject to a condition requiring the exterior walls of the outbuilding to be in keeping with those of the host dwelling, the proposal is acceptable in this regard.

Impact on neighbouring amenity

The closest neighbouring properties are 23 Oxenden Road and Torcross, Elm Lane.

Due to the single storey height of the proposed outbuilding and its location to the rear of the site and set away from neighbouring properties by a good distance, the proposal would not result in unacceptable harm to the residential amenity enjoyed by the occupants of neighbouring properties, in terms of loss of light and overbearing impact.

There is adequate separation distance and screening on the shared side boundary with 23 Oxenden Road to ensure that no harmful overlooking would result from the development.

Therefore, the application is acceptable in this regard.

Parking considerations

The submitted floor plan shows that the existing dwelling is served by 2 car parking spaces, both spaces located at the rear of the site accessed from the back lane. The site does not benefit from on-site parking anywhere else on the property. 2 parking spaces is considered to be sufficient for a dwelling and outbuilding with 3 or more bedrooms total, in accordance with the maximum provision guidance of the Vehicle Parking Standards SPD.

Therefore, the application is acceptable in this regard.

Impact on trees and vegetation

The proposal includes the removal of a tree located on the footprint of the proposed outbuilding.

The tree is of very limited amenity value, as such there are no arboricultural concerns with its removal. The Council's Tree Officer raises no objection to the removal of any tree within the application site.

Therefore, the application is acceptable in this regard.

Conclusion.

In conclusion, the proposal would have no materially harmful effect on the character of the site, the immediate street scene or the wider surrounding area. No adverse harm to neighbouring amenity has been identified. The development would result in no parking concerns and the removal of a single tree would be acceptable. The proposal is in compliance with both the national and local policies and, as a whole, is considered to be acceptable.

Planning Committee

3 March 2021

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

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

1.	<p>Wimbledon Common Rifle Club Land to the rear of Hut 60, Queens Road, Bisley Camp, Brookwood, GU24 0NP</p> <p>20/P/00856 – The development proposed is the erection of a rifle clubhouse accommodation block.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • Although I conclude that overnight accommodation would be an appropriate facility for outdoor sport and recreation, in the case the building is not appropriate for its intended use. The proposal would therefore be inappropriate development in the Green Belt, in conflict with the Framework and Policy P2 of the LP. • The appeal site is on the boundary between the commercial and recreational area that comprises Bisley Camp, and the wooded, semi-rural residential area beyond this. The proposal would introduce built mass in a previously undeveloped area of the Green Belt, beyond the current lines of development on the camp and the immediate cluster of buildings. • The proposal would cause encroachment of built form into an undeveloped area and would therefore not preserve the openness of the Green Belt. • The distance between Hut 60 and the appeal site will be reduced to approximately 4 metres when permission for a rear extension is implemented. As the buildings are closely linked and in a small cluster, I do not consider this to result in harmful over development of the site. • I do not find harm to the character and appearance of the area and therefore no conflict with Policy D1 of the LP, nor Policy G5 of Guildford Borough Local Plan (2003) which together require that development reflects the distinct local character and takes account of good design. • Although I have not found harm to the character and appearance of the area from the proposal, the building would not be appropriate for its intended purpose and would not preserve the openness of the Green Belt. It would therefore be inappropriate development at this location, which is a matter that I afford substantial weight in the planning balance. • I conclude that the harm to the Green Belt by way of inappropriateness would not be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. 	DISMISSED
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<p>2.</p>	<p>Mr Curran 19 New Road, Gomshall, Surrey, GU5 9LZ</p> <p>20/P/00489 – The development proposed is a dwelling in the garden, with new access road and parking. New brick cladding to elevations of existing ‘Airey’ house.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of those at No.19 New Road and neighbours to the plot. • The site is a residential plot on the rural settlement of Gomshall. The plot is on the edge of the village, with fields to the south. The area is characterised by detached or semi-detached dwellings with most fronting the village roads. • Overall, I have not found harm with regards to the cladding of No.19 or the proposed dormer, from a visual impact perspective. However, due to the position of the proposed dwelling, which would be incongruous within the setting of the surrounding residential streets, the development would be harmful to the character and appearance of the area. The proposal is therefore in conflict with saved policy G5 of the Guildford Borough Local Plan 2003, and policies H1 and D1 of the Guildford Borough Local Plan 2015-2034. These policies require development to respond to distinctive local character, and to respond locally distinct patterns of development, amongst other things. • Although I have found that the proposal would be harmful to the character around Gomshall, given that the dwelling would be within the setting of this established village. As such, the proposal would have no harmful effect to the designated Area of Outstanding Natural Beauty or the Area of Great Landscape Value, with the visual impact to be more localised. • The proposal includes a driveway through to the proposed dwelling at the rear of No19. This would involve vehicles driving past the side boundary to the parking area proposed. This would introduce some additional noise to the rear gardens of neighbouring houses, which may disturb occupants. However, there is a single dwelling proposed and it is unlikely that there would be a significant amount of vehicle movements through to the new dwellings most days. • Amended plans have been received which omit the balcony from the proposed dwelling, this significantly addressing the potential overlooking from this feature. I conclude that it would not result in a significant adverse impact to neighbouring living conditions. • The proposed dwelling would accord with policy G1(3) of the Local Plan 2003, which requires development to protect the amenities currently enjoyed by occupants of buildings. • The appeal should therefore be dismissed. 	<p>DISMISSED</p>
<p>3.</p>	<p>Mr and Mrs Shaw Lakeside, Oak Grange Road, West Clandon, GU4 7UF</p> <p>20/P/00879 – The development proposed is the erection of extension and alterations.</p> <p>Delegated Decision – To Refuse</p>	<p>DISMISSED</p>

	<p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The appeal site is located in the Green Belt. The original building had a floorspace of approximately 92m sq. and the proposed development would increase that to around 470m sq. This would clearly result in a disproportionate sized building compared to the original. • The appellant contends that the existing building should be considered as the original building given it has been extended several times in the past. That the building is already significantly larger than it originally was does not make further additions acceptable. • Therefore, the proposed development would not represent a limited extension or alteration of the original dwelling and would be contrary to policy P2. • Notwithstanding existing boundary treatments, visually the building would appear more conspicuous in its plot than the existing, largely due to the proposed mansard roof arrangement introducing an incongruous addition to the roof space. • The effect upon openness in the context of the wider Green Belt would therefore be small. However small I consider the proposal would not preserve the openness of the Green Belt either spatially or visually and would have a greater impact on the openness of the Green Belt than the building in its current form. Therefore, I consider the reduction in openness would constitute moderate harm and would not accord with policy P2. • The proposal as a whole would result in a small amount of harm to the character and appearance of the area. I accept that the harm would be reduced by planting at the front boundary, however, the effect would not be wholly offset without the introduction of tall planting which would take time to establish. • The proposed development would therefore not accord with policy D1 of the LP and saved policy G5 of the Guildford Borough Council Local Plan 2003 which seek to ensure that development proposals are of high-quality design, respecting and reflecting existing character. • The appeal is therefore dismissed. 	
<p>4.</p>	<p>Mr Hendrik van der Spuy 25 Walden Cottages, Westwood Lane, Normandy, Guildford, GU3 2JB</p> <p>20/P/00872 – The development proposed is demolition of existing single storey extension to construct new attached dwelling, with associated access; alterations to donor house, including provision of new car parking spaces.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the proposals scale and design on the character and appearance of the area and the proposals impact on the integrity of a Special Protected Area. • The appeal relates to a two-storey semi-detached house in a road characterised by similar pairs of semi-detached houses with gable end roofs. The locality retains a spacious character, a coherent rhythm of building blocks and spaces and a uniformity of appearance, notwithstanding the construction of single and two storey extensions to some dwellings. • The proposal would result in a terrace of three houses with the new dwelling having a noticeably greater width than the retained house. Its mass would 	<p>DISMISSED</p>

	<p>be extenuated by the stepping forward of the building line, provision of a large front facing gable and a two-storey rear projection.</p> <ul style="list-style-type: none"> • Whilst there would be satisfactory separation to the adjacent dwelling, 24 Walden Cottage, to not result in a cramped appearance, the proposal would nonetheless be an overly dominant and incongruous development. • The proposal would be detrimental to the character of the area and appearance of the street scene. It would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) and with saved policy G5 of the Guildford Borough Local Plan (2003) (GLP) which require new development to achieve high quality design that responds to distinctive local character including in relation to scale and roof treatments. • It would also conflict with paragraph 127 of the NPPF which requires proposals to be sympathetic to local character including the built environment. • The site is within the 400m to 5km buffer zone of the Thames Valley Basin Heaths Special Protection Area (SPA). Whilst the Council appears to be open to the making of contributions to secure mitigation, there is insufficient information before me to conduct an Appropriate Assessment in accordance with the Habitat Regulations (2017) in relation to the reasonableness of this approach. Neither is there a completed legal agreement before me. • As such, the proposal would be contrary to Policy P5 of the LPSS, with Saved Policy NE4 of the GLP and with Saved Policy NRM6 of the South East Plan (2009) all of which seek to protect habitats within and the ecological integrity of the SPA. • The appeal is therefore dismissed. 	
<p>5.</p>	<p>Mr Antony Tilney (Tilney Property Ltd) Land to the rear and side of 85 & 87, Applegarth Avenue, Guildford. GU2 8LX</p> <p>20/P/00826 – The development proposed is the erection of a new 3-bedroom house with parking.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The layout of the surrounding estate is of a highly regular rhythm and grain, with strong building lines. The proposal would introduce development behind the building lines disrupting the rhythm of housing. The resulting plot sizes are small relative to those on the estate, to the extent that the development would appear cramped in comparison. The gap between the houses would be lost, reducing the sense of openness when viewed from the public domain. • I find that the proposal would appear cramped and inconsistent with the prevailing character of the estate, and I consider that this is to a harmful extent. • The continuation of hardstanding between the houses to form an access drive would result in an extensive area of hardstanding to the side and rear, exacerbated by the provision of several parking spaces for greenery and extent of hardstanding detrimental to the character and appearance of the area. • The extent of landscaping has increased since the previous appeal, to include a small front garden, larger back garden and landscaping around 	<p>DISMISSED</p>

	<p>the car parking area. The proposed building is reduced in scale from the refused schemes and would complement the form of the host properties.</p> <ul style="list-style-type: none"> • While I consider these changes to be an improvement, I do not find that they would overcome the overall harm to the character and appearance of the area. • I therefore find the proposal is contrary to policy D1, G5 and H4. • I consider that the occupants of the proposed house would easily be able to see the rear patio and garden area behind No 89 from the first-floor bedroom windows, at a short distance. On that basis, I find that there would be a significant loss of privacy to the occupants of the rear garden of No 89. • The proposal therefore conflicts with policies G1(3) and H4 of the LP which require that the amenities enjoyed by occupants of buildings are protected. • The site is located within the 5km for the TBH SPA. The appellant has indicated an intention to work with the Council to complete a Section 106 Agreement to secure those contributions, but this has not yet been submitted. There is no mechanism before me to ensure the necessary avoidance measures would be delivered. In the absence of these, I cannot be satisfied that the development would not adversely affect the integrity of the SPA. • I have identified harm to the character of the area, the living conditions of neighbouring occupiers and the TBH SPA, which I find to be significant. This harm is not outweighed by the minor benefits of the scheme. • I conclude the appeal should be dismissed. 	
<p>6.</p>	<p>Cupid Green Ltd Berry Farm, Westwood Lane, Wanborough, Guildford, Surrey</p> <p>19/P/01980 – The development proposed is erection of agricultural (horticultural) barn and shed.</p> <p>Planning Committee: 17 June 2020 Officers recommendation: To Approve Committee Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the proposal would detract from the landscape character of the area in relation to the scale of the buildings and likely intensity of the use. • The appeal relates to a small part of a large agricultural field located close to a vehicular access to the field by a bend on Westwood Lane. There is a tree belt between the site’s eastern boundary and Westwood Lane and a large hedgerow to the field edge adjacent to the site’s southern boundary. • The site and surrounding area are within the Green Belt and AGLV. • Several buildings are proposed. The barn would be the highest structure indicated to be 4.34m to its ridge. The shade tunnel is indicated to have a curved roof with a maximum height of 2.92m. • The structures would be more open to view from the north and west across open agricultural fields, but in long views towards the AONB, they would be seen against the higher adjacent vegetative backdrop. • My findings are that the scale of the building and extent of hard surfaced areas in relation to the limited size of the site would detract from the distinctive character of the AGLV. • Notwithstanding the presence of the adjacent vegetative screening to the 	<p>DISMISSED</p>

	<p>site that any erosion of that screening in the long term would result in limited harm to the setting of the AONB.</p> <ul style="list-style-type: none"> • Whilst the prevalence of screening would limit harm to the AONB in the short term, the Framework and Policy P1 state that great weight should be applied to any harm to the AONB which the proposal would therefore conflict with. • Although I have found no harm in respect of the likely intensity of the proposed use, the proposal would detract from the designated landscape character of the area in relation to the scale of the buildings and the extent of the sites coverage by hard surfaces. • The appeal is therefore dismissed. • COSTS DECISION • Cupid Green Ltd against Guildford Borough Council • The first claim is that the Council have made vague, generalised, or inaccurate assertions about the proposals impact, unsupported by any objective analysis. • Secondly, the applicant contends Council Committee Members were striving to find reasons to refuse the application against the advice of their own planning officer, rather than assessing it on its own merits. • Members of a Council Committee are not obligated to accept an officer recommendation to grant permission, but any refusal reason should clearly indicate the harm that would arise from a proposal and link to adopted development plan policies when relevant. • My findings are that the Council has not made vague, generalised, or inaccurate assertions about the proposals impact and that the refusal reason followed lengthy Committee deliberations and was clearly formatted. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. 	<p>REFUSED</p>
<p>7.</p>	<p>Mr Alexander Stewart Clark Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE</p> <p>19/P/01881 – The development proposed is enclosure of Barn B and change of use of the whole barn building (comprising Barn A and Barn B) from light industrial use (B1(c)) to a mix of general industrial (B2) and storage and distribution (B8) uses, the sub-division of the barns into 8 No. separate units (4No. units in Barn A and 4No. units in Barn B) and the installation of “No. extractor fan chimneys on the south-west facing roof of Barn A.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The enclosure of Barn B with cladding and the subdivision of both barns would be alterations to the building. They would not increase the internal floor area of the building or its mass. They would not therefore result in a disproportionate addition over and above the size of the original building. • My findings are that the full enclosure of Barn B and the likely increased presence of parked and service vehicles outside the building associated with its enclosure and with the subdivision of both barns would have an impact on openness. The openness of the Green Belt would not therefore be preserved and the tests for exemptions in Paragraph 146 of the Framework not satisfied. The proposal would therefore amount to inappropriate development. • The enclosure of Barn B, the subdivision of both barns and the likely 	<p>DISMISSED</p>

	<p>associated greater activity outside the building would not result in a material change to the character and appearance of the site or to a material adverse impact on the rural surroundings.</p> <ul style="list-style-type: none"> • The third reason for refusal refers to 'insufficient information' to fully assess traffic impacts. The number and nature of trips could change, particularly with more B8 occupiers, but given the relatively small size of the subdivided units this would be unlikely to result in materially different traffic flows. • The proposal would not be contrary to section 9 of the Framework, to the objectives of Policy ID3 of the LPSS or to the third Surrey Local Transport Plan (2011) in relation to highway safety. • The barns are sited are considerable distance from the nearest residences. Traffic noise from the adjacent busy A3 would to some degree mask any noise arising from activities within the barns, even with the doors to individual units open. • The B2 general industrial activities proposed have the potential to result in a greater level of noise and disturbance than the lawful B1(c) light industrial use which by definition would be compatible with location within a residential area. But the site is not located within a residential area and the distance to the nearest residences is such that some increase in noise at the barns would be most unlikely to significantly impact on living conditions within these residences. • The proposal would not thereby be contrary to policy G1(3) of the GBLP. • I have not found harm in relation to the effect on the character and appearance of the area, for highway safety or on the living conditions of neighbouring occupiers. But the proposal would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. I have attributed moderate weight in favour of the proposal to its economic benefits. These benefits do not clearly outweigh the substantial weight given for harm to the Green Belt. Very special circumstances therefore do not exist and is therefore contrary to the Green Belt provisions of the Framework and also conflict with Policy P2 of the LPSS and should therefore be dismissed. • COSTS DECISION • Guildford Borough Council against Mr Alexander Stewart Clark • My findings are that the applicant has not acted unreasonably in contesting the appeal in relation to matters raised by the Council. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. 	<p>REFUSED</p>
<p>8.</p>	<p>Mr Roy Fieldus 16B Martyr Road, Guildford, Surrey, GU1 1LE</p> <p>20/P/00528 – The development proposed is replacement windows.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the proposed development would preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area (CA), including its effect on the locally listed building. • The significance of the CA lies in its character as an area comprising a mix of historic, commercial, and residential land use at the heart of the town, with an attractive public realm. • By virtue of the appeal property directly fronting the footway, the windows are clearly apparent when seen from Martyr Road. The appearance of the 	<p>DISMISSED</p>

	<p>installed windows are at odds with others in the locally listed terrace, that which prevails appear as of traditional timber construction, incorporating narrow frames whereas the installed windows frames appear thicker and incongruous in their setting.</p> <ul style="list-style-type: none">• The installed frames also incorporate conspicuous trickle vents which amplify the departure from the uniform appearance of the terrace.• Consequently, the alterations harm the appearance of the locally listed building, resulting in it detracting from that which surrounds it and not preserving the significance of the setting of the CA.• The replacement windows do not therefore accord with policies D1 and D3, G5, H8 and HE7.• The development would not be sympathetic to local character and the surrounding historic built environment setting and would not accord with the NPPF.• Having considered the Development Plan and Framework as a whole, the development fails to preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area and the appeal is therefore dismissed.	
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