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Contact Officer:

Sophie Butcher, Democratic Services Officer

23 March 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** on **WEDNESDAY, 31 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: 810 462 692.

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 Paul Spooner  
Councillor James Steel

**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 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:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | 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   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | 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 - 22)**

To confirm the minutes of the meeting of the Committee held on 3 March 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 23 - 24)**

All current applications between numbers 20/P/00481 and 21/P/00068 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/00481 - Plot 5, Guildford Business Park, Guildford Business Park Road, Guildford, GU2 8XG (Pages 25 - 56)**

5.2 **20/P/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG (Pages 57 - 78)**

5.3 **20/P/01569 - The Shed Factory, Portsmouth Road, Ripley, Woking, GU23 6EW (Pages 79 - 90)**

5.4 **20/P/01756 - Food Store, Railton Road, Guildford, GU2 9JX (Pages 91 - 100)**

5.5 **21/P/00068 - Carisworth, Woodstock, West Clandon, Guildford, GU4 7UJ (Pages 101 - 108)**

**6 PLANNING APPEAL DECISIONS (Pages 109 - 114)**

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) (Acting as 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 Richard Billington, Dennis Booth, Nigel Manning, Deborah Seabrook and Catherine Young were also in attendance.

### **PL87 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Chris Barrass, Maddy Redpath and Fiona White. Councillors Tony Rooth and Bob McShee were in attendance as substitutes for Councillors Chris Barrass and Maddy Redpath.

In addition, the Vice-Chairman chaired the meeting owing to the Chairman, Councillor White being unable to attend on this occasion.

### **PL88 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

No disclosures of interest were declared.

### **PL89 MINUTES**

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

### **PL90 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL91 20/P/01755 - MERROW CENTRE FOR REMEDIAL EDUCATION, 41 DOWN ROAD, GUILDFORD, GU1 2PZ**

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

- Mr John Pitkin (to object) and;
- Mr Keith Meldrum (Marrow Resident's Association) (to object);

The Committee considered the above-mentioned full application for 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.

The Committee noted that an amended site layout plan had been included, as part of the supplementary late sheets, to demonstrate the 'as built' layout and correct discrepancies on the originally submitted drawing. A new condition had also been proposed to ensure the provision of a cycle store, the details of which must be submitted to the LPA for approval prior to installation.

The site was located in the urban area within the 400m to 5km buffer zone of the TBHSPA. The building onsite was a former school building locally listed, however permission had recently been granted for the conversion of the building into three flats and the erection of a new detached dwelling to the northern side of the site. The development had now been built out with the surrounding area being predominantly residential in nature. Owing to the creation of a larger bin store than originally proposed, the number of parking spaces had been reduced from 7 to 6. Whilst the parking provision fell short of the Council's adopted parking standards, no off-street parking was associated with the previous use of the site, when it was a school. The site was also in a sustainable location with good public transport links. The County Highway Authority had also assessed the proposal and raised no objection to it.

It was the planning officer's view that the parking provision proposed represented an improvement upon the number of spaces provided in association with its previous use, the relatively sustainable location and the fact that one space would still be provided for each of the two bedroom units and two spaces for each of the three bedroom units it was considered that the parking layout was acceptable in this instance and the application was recommended for approval.

The Chairman permitted Councillor Deborah Seabrook to speak in her capacity as ward councillor for three minutes.

The Committee discussed the application and agreed that they were not supportive of the proposed reduction in parking spaces. The parking requirements for a school was quite different from that of a residential setting. The application was also retrospective, and the Committee would not have agreed 6 parking spaces originally given it did not meet the Council's parking standards. The reduction of one parking space would also place undue pressure upon on-street parking arrangements where parking was already difficult for local residents.

A motion was moved but not seconded to approve the application. That motion therefore failed.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Bob McShee	X		
2.	Paul Spooner	X		
3.	Jan Harwood	X		
4.	Chris Blow	X		
5.	Marsha Moseley			X
6.	Tony Rooth			X
7.	Susan Parker	X		
8.	Jon Askew	X		
9.	Ruth Brothwell	X		
10.	Colin Cross			X
11.	David Bilbe	X		
12.	Angela Gunning	X		
13.	Liz Hogger	X		
14.	Caroline Reeves	X		
	<b>TOTAL</b>	<b>11</b>		<b>3</b>

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

RESOLVED to refuse application 20/P/01755 for the following reasons:

1. The proposed parking provision of 6 parking spaces would be insufficient and would fail to meet the Council's current parking standards, which require 1.5 spaces per two bed unit and 2 spaces per three bed unit that translates as 7 parking spaces for the scheme. This under-provision would lead to a pressure for on-street parking, in an area where parking is limited, and would add to the cumulative impact of on-street parking resulting in a poor quality of residential development. The proposal is therefore unacceptable, as it fails to meet the Council's parking standards set out in the Council's Vehicle Parking Standards SPD 2006 and is contrary to policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and the requirements of the National Planning Policy Framework (NPPF).

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 Council considered that the application was unacceptable as submitted.

**PL92 20/P/01830 - RED BALLOON OCKHAM LTD, POUND FARM, OLD LANE, COBHAM, KT11 1NH**

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

- Ms Kathleen Paulson (to object);
- Mr Malcolm Aish (Chairman of Ockham Parish Council) (to object) and;
- Ms Abby Auty (In Support)

The Committee considered the above-mentioned full application for 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).

The Committee noted the supplementary late sheets which highlighted a typo in the committee report incorrectly stating that the existing number of pupils was 50, the correct number was 54. The application site was located in the Green Belt and was comprised of a day nursery which was originally used as stables arranged around a stable yard at Pound Farm, accessed off Old Lane. The farmhouse and timber barn were listed buildings within Pound Farm.

The Committee noted that the use of the site as a nursery was well established. The primary reason for the original condition, now proposed to be varied, was to ensure that the intensity of the use did not increase vehicle movements to and from the site to an unsustainable level. The number of restrictions on the original application was simply put on as a condition because they were the numbers given by the applicant at the time. The County Highway Authority had raised no objection to the proposed variation to condition 3. The increase in the number of pupils from 54 to 81 would result in 27 additional trips to the site, 17 of which would be travelling from within the local area and 10 trips predicted from outside the local area. The County Highway Authority considered that the proposed development would not result in any severe impacts on road network. Adequate parking was provided onsite for visitors and staff and on that basis the application was recommended for approval.

The Committee received advice from its Planning Lawyer who wished to comment on an allegation made by one of the public speakers that the application was outside of the Council's legal powers. The Committee noted that the Council was fully within its legal powers to consider the application, as it fell within Section 73 of the Town and Country Planning Act which case law supported, such as *Finney v Welsh Ministers* 2019. In addition, there was also an allegation that by granting this application the Council would be in breach of its duty of care. Case law stated that when granting or considering planning applications, local authorities did not have a duty of care due to planning policy reasons (Cases cited were *Strable c Dartford Borough Council* and case involving *Sevenoaks Borough Council* 1978).

The Committee discussed the application and agreed that the nursery was a much needed and essential community asset, valued by many residents. The Committee was satisfied that the County Highway Authority had considered the increase in vehicle movements to and from the site as acceptable which would not result in any severe impact on the road network. The Committee queried who owned the land on which the visitors and staff parked associated with the nursery. The planning officer confirmed that part of the site was under separate ownership but was not a planning issue and was clearly used for the purposes of parking at the nursery. In addition, no objection had been raised by Environmental Health in relation to any concerns about additional noise generated by the site.



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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Ruth Brothwell	X		
2.	Susan Parker	X		
3.	Jan Harwood	X		
4.	Caroline Reeves	X		
5.	Angela Gunning	X		
6.	Tony Rooth	X		
7.	Chris Blow	X		
8.	Bob McShee	X		
9.	Paul Spooner	X		
10.	David Bilbe	X		
11.	Jon Askew	X		
12.	Liz Hogger	X		
13.	Marsha Moseley	X		
14.	Colin Cross			X
	<b>TOTAL</b>	<b>13</b>		<b>1</b>

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

RESOLVED to approve application 20/P/01830 subject to the conditions and reasons as detailed in the report.

**PL93      20/P/01340 - 5 PARK CHASE, GUILDFORD, GU1 1ES**

The Committee considered the above-mentioned full application for erection of a dwelling house with detached garage following demolition of existing dwelling house and detached garage.

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

The Committee noted that the application site was located in an urban area of Guildford, positioned at the end of Park Chase which was a private cul-de-sac close to the town centre. The area was characterised by large two-storey houses of differing styles and designs. The site itself was the largest in the road which was currently occupied by a two-storey house with a garage attached to the side. The scale of the proposed development was large however, the development retained adequate spacing to the boundaries and would improve the spacing and relationship between the application site and the neighbour at 6 Park Chase, that was currently undergoing extensions, including a large first floor addition, reducing the visual separation between the two dwellings. New planting was proposed to the northern boundary so to enhance the screening.

The Committee noted that comments had been received regarding the significance of the existing property, given that it was an example of an Arts and Crafts property and that it should be locally listed. The Council's Conservation Officer had reviewed the existing building against the requirements for local heritage listing, as set out in the historic England advice, and considered that the building was unlikely to have a level of historic significance which would merit the Council locally listing the building.

The proposed northern side elevation had been reduced significantly in terms of its depth and bulk since the 2019 refusal. The built form of the existing plot only took up 7% of the plot whereas the neighbouring plots were far more developed. Therefore, considering the surrounding development, this proposal would represent an acceptable form of development in terms of scale, design, and impact on the character of the area. The application site was located in the Guildford urban area and given that there were no other constraints on this site, the proposal would not have a detrimental impact on neighbouring amenity. It provided sufficient parking, additional landscaping, sustainability species protection and biodiversity measures as secured by condition and the application was therefore recommended for approval.

The Committee discussed the application and noted the concerns raised regarding the loss of a potential Arts and Crafts house with an unsympathetic bulky replacement with expansive roofscape that would not respect the character of the surrounding area. The planning officer reiterated the fact that the building was not listed or locally listed which had also been reviewed by the Council's Conservation Officer whose view was that the dwelling merited no specific designation.

The Committee agreed that since the house did not meet the criteria for it to be considered as locally listed an argument could not therefore be sustained on heritage grounds. The Committee also noted that neighbouring houses were significantly large and bulky and therefore set a precedent. The replacement dwelling would be set back with an appealing frontage that would not affect the character of the road.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Colin Cross			X
2.	Liz Hogger	X		
3.	Jon Askew	X		
4.	David Bilbe	X		
5.	Ruth Brothwell		X	
6.	Caroline Reeves	X		
7.	Bob McShee		X	
8.	Susan Parker		X	
9.	Jan Harwood	X		
10.	Tony Rooth	X		
11.	Chris Blow		X	
12.	Paul Spooner	X		
13.	Marsha Moseley	X		
14.	Angela Gunning	X		
	<b>TOTAL</b>	<b>9</b>	<b>4</b>	<b>1</b>

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

RESOLVED to approve application 20/P/01340 subject to the conditions and reasons as detailed in the report.

**PL94 20/P/02126 - 21 OXENDEN ROAD, TONGHAM, FARNHAM, GU10 1AR**

The Committee considered the above-mentioned full application for proposed rear granny annexe, following demolition of existing sheds and felling one tree.

The Committee was informed that the application site was located in the urban area of Guildford, positioned on a corner plot of Oxenden Road. A narrow unnamed lane ran alongside the rear of the plot which provided car access to the rear of properties. The properties on this road were largely comprised of bungalows of a similar size and design. The site itself was one of the largest plots in the immediate area comprised of a detached bungalow with parking to the rear. The proposed granny annexe would be located in the north-east corner of the rear garden. The footprint of the building would be large however it would remain smaller than the host dwelling. Additionally, due to the relatively large size of the plot the proposal would not result in overdevelopment and would have a limited impact on the character and appearance of the surrounding area given that it would be located to the rear of the site where it would not be seen from the main road and well screened by vegetation. The proposal would be visible to users of the rear access lane, but the lane was not significant in the public streetscene. There was also adequate separation distance and screening on the boundaries to ensure that the development would not cause unacceptable impact on neighbouring amenity

It was the planning officers view that the principle of erecting an ancillary domestic outbuilding in the urban area was acceptable given the proposal would have no material impact on the character of the site, Oxenden Road or the wider surrounding area or neighbouring amenities.

The Committee considered concerns raised as to whether it was a granny annexe given its considerable separation distance from the main dwelling and could not therefore be perceived as ancillary accommodation. Ancillary accommodation had to retain some form of connection with the main dwelling which this proposal failed to do. The planning officer confirmed that there was reliance upon the main dwelling given there was no kitchen facility and both the main dwelling and proposed granny annexe had shared access to the property with parking to the rear. Independent occupation of the granny annexe would require separate planning permission in its own right and had been covered by condition. The Committee was also advised that covenants could not be applied as they imposed civil restrictions.

The Committee concluded that the proposal did not represent ancillary accommodation, would provide a poor level of amenity to the occupiers and by virtue of its poor design and flat roof represented a dwelling that would be out of character with the surrounding area.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Marsha Moseley			X
2.	Jon Askew	X		
3.	Angela Gunning		X	
4.	Paul Spooner		X	
5.	Colin Cross			X
6.	Chris Blow		X	
7.	Tony Rooth		X	
8.	Ruth Brothwell		X	
9.	Caroline Reeves	X		
10.	David Bilbe		X	
11.	Bob McShee			X
12.	Liz Hogger	X		
13.	Susan Parker		X	
14.	Jan Harwood	X		
	<b>TOTAL</b>	<b>4</b>	<b>7</b>	<b>3</b>

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Chris Blow	X		
2.	Ruth Brothwell	X		
3.	Angela Gunning	X		
4.	Colin Cross			X
5.	Liz Hogger		X	
6.	Marsha Moseley			X
7.	Caroline Reeves		X	
8.	Susan Parker	X		
9.	Jon Askew		X	
10.	Paul Spooner	X		
11.	David Bilbe	X		
12.	Bob McShee			X
13.	Tony Rooth	X		
14.	Jan Harwood		X	
	<b>TOTAL</b>	<b>7</b>	<b>4</b>	<b>3</b>

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

RESOLVED to refuse application 20/P/02126 for the following reasons:

1. Due to its siting the building would be remote from the main dwelling and therefore, lack a physical connection limiting its ability to perform its function as ancillary accommodation. Furthermore, the location and facilities within the building mean it would provide a poor level of amenity to the occupiers of the building. The development would therefore fail to accord with policy G1(3) of the saved Guildford Borough Local Plan 2003 and policy D1 of the Adopted Guildford Borough Local Plan Strategy and Sites.

2. The proposed development would, by virtue of its scale and flat roof design, present a poor design form which fails to respect the character of the existing dwelling. The development therefore fails to accord with policies G5 and H8 of the saved Guildford Borough Local Plan 2003 and Chapter 12 of the National Planning Policy Framework.

**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 potential issues, the application has been submitted in accordance with that advice, however, the Council has considered further issues have arisen and as a result the development was considered to be unacceptable.

**PL95 PLANNING APPEAL DECISIONS**

The Committee noted and discussed the planning appeal decisions.

The meeting finished at 9.05 pm

Signed .....

Chairman

Date .....



Agenda item number: 5

**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**  
**31/03/2021**

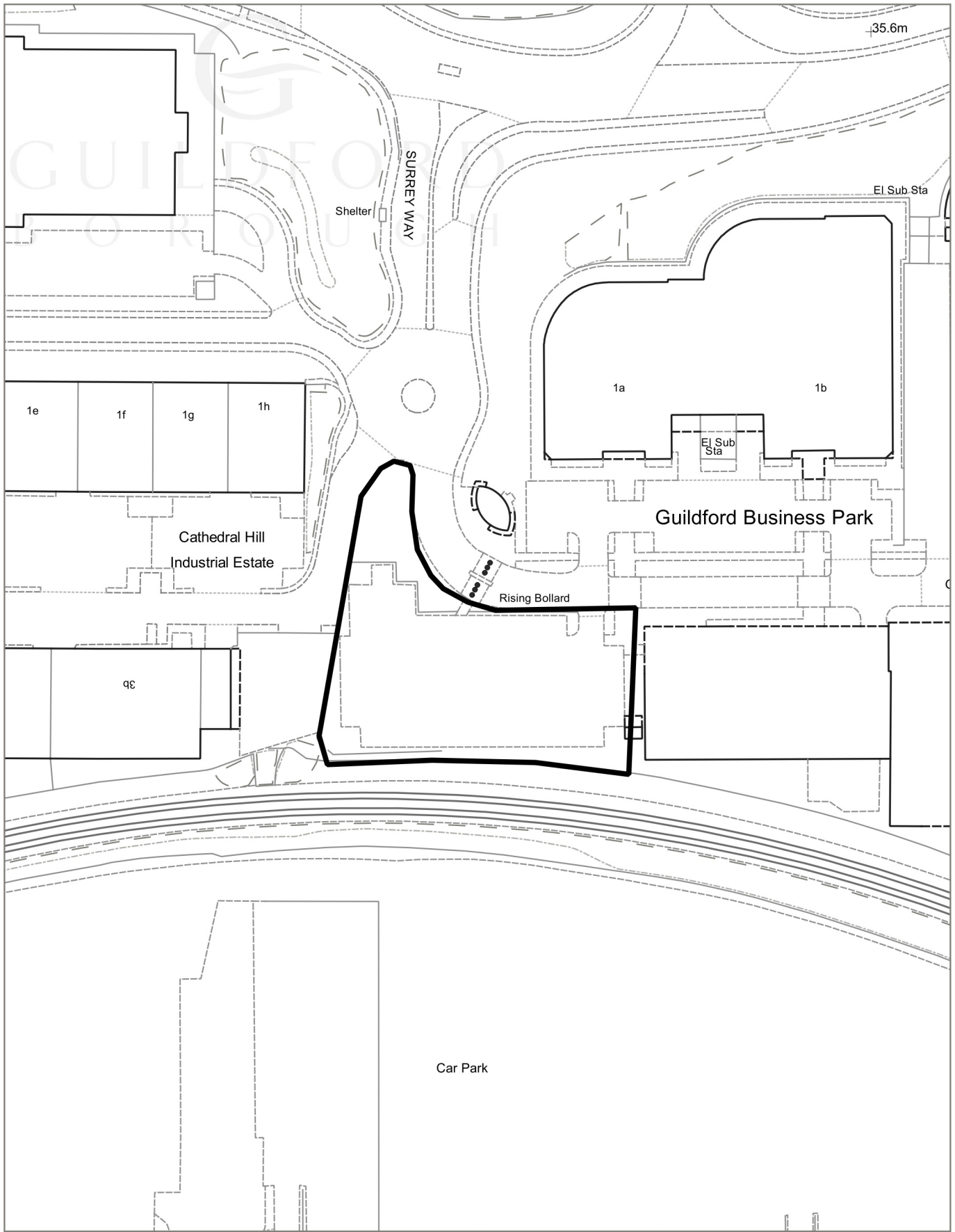
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Onslow	Mr J Lawes, Pavilion Trustees Ltd & Pavilion Property Trustees Ltd.	Plot 5, Guildford Business Park, Guildford Business Park Road, Guildford, GU2 8XG	20/P/00481	REF	25.
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.2	Effingham	Mr Grimshaw, Claremont Finesse Ltd	Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG	20/P/00737	APPC	51.
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.3	Ripley	Challenge Fencing Ltd	The Shed Factory, Portsmouth Road, Ripley, Woking, GU23 6EW	20/P/01569	APPC	73.
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.4	Stoughton	Tesco Stores	Food Store, Railton Road, Guildford, GU2 9JX	20/P/01756	S106	85.
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.5	West Clandon	Mr Hopgood, Vine Cottage	Carisworth, Woodstock, West Clandon, Guildford, GU4 7UJ	21/P/00068	APPC	95.

**Total Applications for Committee                    5**

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# 20/P/00481 - Plot 5, Guildford Business Park, Guildford Business Park Road, Guildford



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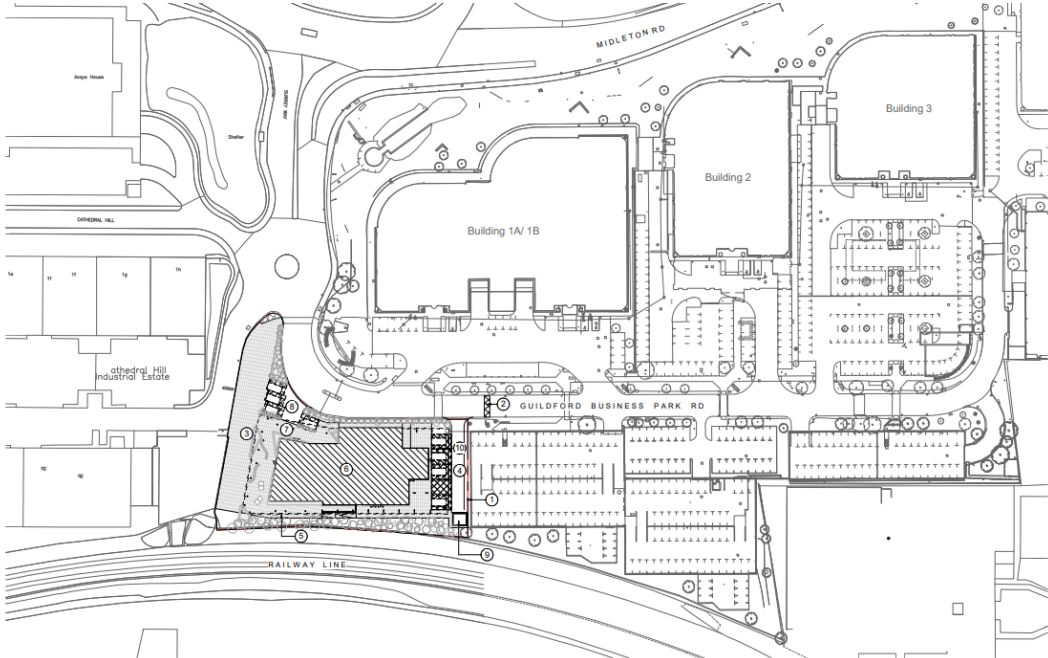
Print Date: 15/03/2021



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**20/P/00481 – Plot 5, Guildford Business Park, Guildford Business Park Road, Guildford**



**App No:** 20/P/00481  
**Appn Type:** Full Application  
**Case Officer:** Kelly Jethwa  
**Parish:** Onslow  
**Agent :** Mr B Kitcherside  
Chart Plan (2004) Ltd  
Eden House, Suite 11F  
Enterprise Way  
Edenbridge  
TN8 6HF

**8 Wk Deadline:** 15/06/2020

**Ward:** Onslow  
**Applicant:** Mr J Lawes  
Pavilion Trustees Ltd & Pavilion  
Property Trustees Ltd.  
47, Esplanade  
St Helier  
Jersey  
JE2 0BD

**Location:** Plot 5, Guildford Business Park, Guildford Business Park Road, Guildford, GU2 8XG

**Proposal:** Redevelopment to provide purpose built student accommodation including 360 bedspaces, support ancillary student services (such as study spaces, gymnasium, games rooms, lounge areas, student hub) car and cycle parking, access and landscaping arrangements.

### **Executive Summary**

#### **Reason for referral**

The application has been referred to committee at the discretion of the Planning Development Manager given the importance of the decision and the potential implications for our Strategic Employment Sites.

#### **Key information**

The application proposes the erection of a new six-storey building for student accommodation. The development would include 360 student bed spaces, as well as ancillary student spaces including study spaces, a gym, games rooms and student hub. Access to the site would be from the estate road within the Business Park.

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

The application site is a Strategic Employment Site (SES) as identified by the Guildford Borough Local Plan: Strategy and Sites (LPSS). Policy E3(9) of the LPSS seeks to retain employment land for employment uses. The policy also provides criteria against which departures can be considered. These would include at E3(10) and E3(11), where it has been demonstrated through a marketing exercise that employment development is not likely to take place and that all other employment generating, and ancillary uses have been explored, justified by evidence of an active and comprehensive marketing exercise. The applicant has submitted a test of marketing, including a further submission following the recent appeal decision on a similar scheme that was dismissed by the Planning Inspectorate. Both of which the Council have had independently assessed. However, a planning judgement has to be made taking into account the tests submitted, the review of this and the appeal decision. When assessed against these tests of marketing, the judgement taken is that these do not justify the loss of 0.35 hectares of employment land for office, other employment generating uses or complementary or ancillary

accommodation to support the function of this important site on a wider Strategic Employment Site (SES).

The development through an associated application would deliver additional student accommodation and it is accepted there is some demand for student accommodation in the area. The development would also contribute to the Council's five-year housing land supply. The development would also allow the delivery of a new bridge over the railway line and this would have some benefit beyond the remit of the development. Whilst these matters weigh in favour of a grant of planning permission, they do not amount to material considerations sufficiently strong enough to outweigh the conflict with the development plan identified above.

The proposals would also fail to meet the requirements for policy D2, as the proposed development has not demonstrated in detail that sustainable design and construction principles would be incorporated, the minimisation of minerals and waste, measures to enable sustainable lifestyles, the application of the energy and waste hierarchies and use of Combined Cooling, Heat and Power ((C)CHP) within in the within Heat Priority Area.

Accordingly, it is recommended that permission be refused.

### **RECOMMENDATION:**

#### **Refuse - for the following reason(s) :-**

1. The development proposed would result in the loss of a site that should continue to be available as a Strategic Employment Site. The development would fail to protect the integrity of this Strategic Employment Site and would reduce the capacity and adaptability of the Borough's Employment Land Supply. It has not been demonstrated that the land could not provide a beneficial employment use to both current and alternative suitable B class employment uses and other employment generating uses or one which would be complementary or ancillary to the existing Business Park. The marketing information provided falls short of the active, continuous and comprehensive marketing justification required for the loss of employment capacity on protected employment sites. Accordingly, the development would be contrary to Policy E3 of the Guildford Local Plan: Strategy and Sites 2015-34 and the objectives of section 6 of the National Planning Policy Framework.
2. The proposals involve a new building and the NPPF seeks to avoid increased vulnerability to the range of impacts arising from climate change and to reduce greenhouse gas emissions. The applicant has not demonstrated in detail that sustainable design and construction principles would be incorporated, the minimisation of minerals and waste, measures to enable sustainable lifestyles, the application of the energy and waste hierarchies and use of Combined Cooling, Heat and Power ((C)CHP) within in the within Heat Priority Area. Accordingly, the proposal would be contrary to Policy D2 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Climate Change, Sustainable Design, Construction and Energy SPD and would conflict with paragraph 153 of the NPPF and advice in the PPG and the National Design Guide (NDG).

3. In the absence of a planning obligation to secure the delivery and maintenance of the proposed footbridge, (ref 20/P/00481) the proposed development would result in an isolated residential development that would not have any physical or functional connection to the University campus. The development would also fail to make the best of opportunities for promoting sustainable transport options. Accordingly, the development is contrary to the objectives of policies H1, D1 and ID3 of the Guildford Local Plan: Strategy and Sites 2015-34 and the objectives of sections 5, 8 and 9 of the National Planning Policy Framework.
4. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.
5. 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);
  - a contribution towards the cost of the provision of Real Time Passenger Information Systems within the building
  - a contribution towards the cost of the travel plan monitoring; and
  - occupation restrictions to students in full time education at an institution within the Borough of Guildford.

Accordingly, the proposal would be contrary policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the NPPF.

**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

In this instance, while the applicant engaged in pre-application advise and resolved a number of issues raised at an early stage. The applicant was given the opportunity to submit additional information following the appeal decision. However, it has not been able to agree on the principle of the development and the overall conflict with the Development Plan.

**Officer's Report**

**Site description**

The application site comprises an area of Guildford Business Park generally known as Plot 5 and consists of an area of car parking and landscaping. Guildford Business Park (GBP) is bordered by railway lines to the south, with the University of Surrey and Guildford Cathedral further to the south. To the north west of the business park, is Cathedral Hill Business Park and to the west is the Deacon Field Industrial Estate consisting of industrial buildings used for warehousing and small business units for car servicing. To the north, the site overlooks the A25 and the A3 with a predominantly suburban area beyond.

The business park has undergone a rebranding programme consisting of redesigning the park's landscaping and external areas, general renewal and update of existing building facades, new external signage and the provision of a new security hut and cafe. The full refurbishment of unit 2 has also recently been completed. Guildford Business Park is on an elevated site to the north of Guildford town centre overlooking the A3 road. It is in a prominent position both for its own visibility and the views to the surrounding area including Guildford Cathedral.

This wider business park site of 1.2 hectares lies in the urban area of Guildford, it is identified as a Strategic Employment Site (SES) and is also partially in an areas at low and medium risk of surface water flooding. The site is within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA).

## **Proposal**

Proposed six storey purpose-built student accommodation block including 360 bed spaces, support ancillary student services (such as study spaces, gymnasium, games rooms, lounge areas, student hub), car and cycle parking, access and landscaping arrangements.

The ground floor of the building will provide a double height entry space (creating a seven storey height building) and reception as well as social and learning areas. This would include study spaces and a gym. The first floor would include games and cinema rooms and a laundry.

Of the residential rooms provided, there would be 291 on-suite cluster rooms with 69 studio units.

## **Relevant planning history**

Guildford Business Park has a long and complex planning history. The planning history most relevant to this application are those for 'Unit 5' which includes:

19/P/00407 - Proposed six storey purpose-built student accommodation block including 360 bed spaces, support ancillary student services (such as study spaces, gymnasium, games rooms, lounge areas, student hub), car and cycle parking, access and landscaping arrangements.

*Refused (03/02/2020), Dismissed on appeal (26/10/2020)*

19/P/00406 - The construction of a footbridge linking Guildford Business Park to the University of Surrey over the Wanborough railway line.

*Granted (17/10/2019)*

17/P/02243 - Proposed development for office purposes, car parking and ancillary areas

*Approved (07/07/2017)*

16/P/01009 - Lawful Development Certificate for existing use to establish whether implementation has started of planning permission 12/P/01894 approved 03/05/13 by the erection of the car park support structures.

*Granted (08/07/2016)*

12/P/01894 - Erection of a new office building comprising office space, reconfiguration of parking area and erection of a parking deck to provide 40 spaces (33 replacement and 7 additional).

*Approved (03/05/2013)*

## **Consultations**

### Statutory consultees

**County Highway Authority:** No objection subject to conditions including construction of footbridge and travel plan and a contribution towards the cost of the provision of Real Time Passenger Information Systems.

**Highways England:** No objection, subject to restricted student parking and travel plan

**Environment Agency:** No objection, subject to a condition preventing piling using penetrative methods

**Natural England:** No objection provided the development complies with the Councils TBHSPA Avoidance Strategy

**Lead Local Flood Authority:** No objection subject to conditions for a detailed surface water drainage scheme and verification report

Internal consultees

**Environmental Health:** No objection and any exceedances of the relevant Air Quality Objectives at this location, subject to conditions

Non-statutory consultees

**County Archaeology:** No objection and no archaeological concerns

Amenity groups / Residents associations

Guildford Society: object and have raised the following matters:

- overdevelopment – bulk and scale
- harm to viewpoints in Guildford
- harm to the setting of Guildford Cathedral
- inadequate car parking
- unsustainable location
- premature to conclude no demand from marketing test for pre-let
- retained for future commercial use

**Third party comments**

One objection response was received, raising the following matters:

- out of character – 6 storeys other building 2-3 storeys
- conflict of uses
- increase traffic congestion

**Planning policies**

National Planning Policy Framework (NPPF)

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

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



Chapter 15. Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

National Design Guide (NDG)

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

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

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy H1 Homes for all

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy E3 Maintaining employment capacity and improving employment floorspace

Policy D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic environment

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

Evidence base:

Employment Land Needs Assessment 2017

Guildford Borough Economic Strategy 2013 – 2031

West Surrey Strategic Housing Market Assessment (SHMA) 2015

West Surrey SHMA Guildford Addendum Report 2017

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

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

Policy G1 (3), (4), (8), (13) General standards of development

Policy G5 (2), (3), (4), (5), (7), (8), (9) Design code

Policy H4 Housing in urban areas

Policy HE4 New development which affects the setting of a listed building

Policy NE4 Species protection

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

Supplementary planning documents

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Guildford Town Centre Views SPD 2019

Planning Contributions SPD 2017

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Guildford Landscape Character Assessment 2007

Vehicle Parking Standards SPD 2006

Residential Design SPG 2004

Surrey Design 2002

### Guidance

Surrey County Council Vehicular and Cycle Parking Guidance 2018

### **Planning considerations**

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 years based on most recent evidence as reflected in the GBC Land Availability Assessment (LAA) (2020) and updated five year land supply position statement. In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. The buffer that needs to be applied to our five year housing supply (as set out in NPPF para. 73) is now 5% rather than 20%. This change is reflected in the updated five year land supply position statement. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (85%). Therefore, the LPSS and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

### Background

An application for the same proposal was refused under 19/P/00407 and dismissed on appeal in October 2020. This appeal carries significant weight in decision-making, as the matter of the loss of the strategic employment land is the main policy consideration. The marketing strategy which was before the Inspector has not changed. The main changes are that there has been some updating of the marketing carried out and additional information on the marketing carried out alongside the main marketing for alternative uses.

This is a summary of the points in the Inspector's report, full copy provided in Appendix 1:

- para 7 - active and comprehensive marketing required under the policy applies to both current and alternative suitable B class employment uses and other employment generating uses
- para 9 - 'All Enquiries' approach provides the assumption that the site is available for alternative uses, which would include other B class and employment generating uses
- para 10 – comprehensive marketing test focused on the extant planning permission for office use, compared to the marketing for alternative uses is not of the same standard so not comprehensive and active
- para 13 – loss of employment land in a SES and affects the availability of employment land

The main planning considerations in this case are:

- the principle of development
- the need for student accommodation and the impact on housing supply
- the impact on the character and the appearance of the area of the area
- the level of parking and the impact on highway safety
- the quality of the residential environment created
- the impact on Heritage Assets
- the impact on air quality
- the impact on the Thames Basin Heaths Special Protection Area
- legal agreement

### The principle of development

The application site comprises part of Guildford Business Park which is designated as a Strategic Employment Site (SES) by the LPSS. Policy E3(9) of the LPSS makes clear that Strategic Employment Sites are to be protected for the purposes for which they were designated, which for Guildford Business Park, is for the provision of B1(a) and B1(b) uses. Land and floorspace within the Strategic Employment Sites are to be protected and the loss of land within these protected sites is to be strongly resisted. The loss of land and floorspace can only be supported by policy E3(10) if evidence is provided of active and comprehensive marketing of the site for a period at least two years. Policy E3(11) states that this should also include consideration of alternative B class uses and other employment generating uses and the policy also notes that ancillary and complementary uses should also be considered. Policy E3(14) allows for redevelopment or change of use to a non-employment use only where the land or premises are unsuitably located in terms of its impact on the environment, levels of traffic movement, its accessibility to public transport and its link with the infrastructure, and its impact on the amenity of the area or adjoining occupiers. This is not relevant in this case as the site is a SES.

Therefore, development involving the loss of employment land may accord with Policy E3 only where the requirements of E3(10), E3(11) and E3(14) have been satisfied. Even where they are met, this would not mean overall accordance with the policy. That is a planning judgment to be reached in the round. Consequently, even a development which satisfies the criteria in E3(10) and E3(11) may nevertheless be in conflict with the policy as a whole, by virtue of the protection afforded to employment land under E3(9) for B1(a) and B1(b) uses and the support for ancillary uses in E3(15).

The proposal would not result in the loss of existing floorspace as the land is being used as a car park. The ability of the site to deliver employment floorspace is demonstrated by the extant planning applications and 2012 planning permission which is included in the Council's Employment Land Needs Assessment as this is an implemented planning permission. It should however be noted that the extant planning permissions are unlikely to be the only option to potentially providing commercial floorspace on this site and the lack of any existing building potentially make this a flexible site capable of delivering a range of different types of development, suitable for the business park. The site is described as a pre-let/pre-sale as it is effectively an off plan building and requires a long-term commitment from the prospective owner/occupier often years ahead of occupation.

The applicant appears to accept that a marketing exercise for the site is required and has submitted a number of documents that they have advised comprises their 'Test of Marketing'. This details the steps that have been taken to market the site and the extant permissions, highlights the completion for office floorspace in the area and reviews the property market for office accommodation in this location. Following the issue of the appeal decision for 19/P/00407, the applicant was invited to submit additional information, they submitted a document called 'Alternative Use Enquiries.' The Council instructed Kingstons a local commercial property agent to independently review the marketing information submitted, this is a summary of their conclusions on the marketing information:

- the site has been marketed for 5 years
- Marketing carried out: brochure; 400 commercial agents contacted; boards; sponsorship of breakfast club; website; targeted approaches and 'all enquiries approach' for leasehold and freehold
- rental quoted of mid-£30 per sq. foot is consistent with the market in Guildford
- two firms have been instructed

In some instances, the marketing was for the whole of the business park and other buildings. So was not specific to plot 5 and marketing events involving other buildings were used to promote Plot 5 as a linked proposition.

In the 'Alternative Use Enquiries', 12 enquiries were generated after March 2019 (previous marketing details were seen by the Inspector). This includes enquiries from:

offices - use B1(a), now E(g)

medical - use D1, now E(e)

educational institutions – use D1, now F1(a)

pharmaceutical purposes and laboratory- use B1(c), now E(g)

Therefore, the marketing approach did generate enquiries from other employment generating uses.

It is clear from the information provided that the marketing of the extant planning permission on a pre-let basis appears to be comprehensive. This was agreed by the Inspector in the appeal and by Kingstons in their review.

However, the Inspector and the Council were unsatisfied on the previous application (19/P/00407) on the active and comprehensive marketing for other B class and employment generating uses.

The 'all enquiries' approach adopted has been judged to be a reasonable one by Kingstons for this pre-let site, as it suggests that alternative uses would also be considered. They attribute the absence of offers as being the result of "the nature of pre-let", as opposed to the manner in which the land comprising the site could have been marketed (i.e. not as a pre-let) which would have overcome this difficulty. Arguably, an 'all enquiries' marketing campaign which focuses heavily on pre-let is simply not comprehensive enough. Nevertheless, the outcome in the 'Alternative Use Enquiries' document for this marketing strategy, has resulted in interest from alternative uses and is acknowledged as a high number of enquiries by Kingstons.

The 'all enquiries' approach commenced in 2017 alongside marketing on a pre-let basis specifically targeting office occupiers which had been in progress since 2015. The Inspector specifically identified in, para 10:

*"Notwithstanding this, the evidence put forward appears to focus on marketing the site for development of the extant planning permission for office use, which in this regard is comprehensive. The site being available for other uses as part of an 'All Enquiries' approach is not consistent in the evidence, in particular within the published marketing material. As such, on the evidence presented, the marketing undertaken in respect of alternative uses appears to lack prominence and consistency and therefore falls short of being regarded as adequate as part of a comprehensive and active exercise."*

The test of marketing provided does not address this matter. The marketing for the office use has not been carried out to the same level of consistency as for the non-office uses. The only additional information are details of the alternative use enquiries. The applicant has maintained a generalised approach using the 'all enquiries' model and with no change in their marketing strategy to address this short-coming. Therefore, it is not possible to come to a different conclusion than the Inspector that there has not been a comprehensive and active marketing exercise for the alternative B class and employment generating uses in accordance with Policy E3. Moreover, there seems to be much less detail provided in respect of how the leasehold and

freehold has been marketed to secure employment floorspace that is not limited to the extant planning permissions currently available on the site.

The evidence of interest in alternative uses demonstrates that there is some prospect of this pre-let/pre-buy site coming forward for non-office uses that could generate employment. Given the 'all enquiries' approach has been carried out using a different approach to the office use, there may be market demand for other B class and employment generating uses as the economy recovers from the pandemic. However, at this time the marketing test provided does not justify loss of employment land from the SES.

Policy E3(9) seeks to protect the SES, and not just floorspace within the site and the land within these sites. As the application site, has the potential to offer different development opportunities for employment generating uses that may not be suitable to the large-scale floorplates of the other buildings on the site. The ability of the site to provide additional employment floorspace elsewhere on this site is not considered sufficient justification to outweigh the policy conflict identified above.

Having regard to all of the above it is considered that the loss of employment land on this SES would be contrary to Policy E3 of the LPSS and the objectives of section 6 of the NPPF. The development would fail to protect the integrity of this Strategic Employment Site and would reduce the capacity and adaptability of the Boroughs Employment Land Supply.

While this development is considered to be unacceptable due to the lack of sufficient justification in accordance with policy E3(11), this recommendation is based on the information available and that which has been submitted by the applicant. Each application must be considered on its merits and this decision should not be seen as setting a precedent for non B1(a) and B1(b) uses in this SES, or for non-employment related development on this site, or on other allocated employment sites. Each application must be considered on the strength of the information submitted at the time and viewed against the criteria set on at Policy E3 of the Local Plan. Even if the policies E3(10) and (11) were deemed to have been satisfied this alone is not enough to satisfy policy E3(9) which is a planning judgement and will be addressed in the planning balance against other relevant material considerations.

#### The need for student accommodation and the impact on housing supply

Guildford is home to a number of higher and further education establishments. These include The University of Surrey, The University of Law, Guildford College, The Academy of Contemporary Music and the Guildford School of Acting. Of these the University of Surrey is by far the most significant in terms of generating demand for student accommodation.

It is accepted that there is demand for student accommodation in Guildford, however there are a number of accommodation options currently available, these are summarised in Table 1 below. There have also been a number of other applications for student accommodation some of which are consented and under construction. This is summarised in the Table 2.

Table 1

<b>University of Surrey</b>		
Site:	Bed spaces	Notes
Stag Hill Campus, Stag Hill, Guildford	3,042	Predominantly en-suite cluster rooms with shared cooking facilities
Manor Park Campus, Egerton Road, Guildford	2,315*	Predominantly en-suite cluster rooms with shared cooking facilities
Hazel Farm, Cumberland Avenue, Guildford	349	Predominantly en-suite cluster rooms with shared cooking facilities
Sub total	5,706	
<b>Private / Third Party</b>		
Site:	Bed spaces	Notes
Scape, Walnut Tree Close, Guildford	141	Includes a mix of en-suite cluster rooms and studios
The YMCA, Bridge Street, Guildford	112	Includes catered en-suite cluster rooms. Is available to students as well as other occupants for short / medium term tenancies.
Sub total	233	
<b>Total_5,939_</b>		

\*as of September 2020

Table 2

<b>Planning Permissions</b>			
Ref:	Site:	Bed spaces	Status / Notes
19/P/0053 5	Land at Guildford College, Lido Road, Guildford	533	Under construction
19/P/0026 7	Kernel Court (Scape 2), Walnut Tree Close, Guildford	403	Under construction
18/P/0222 6	Bishops Nissan, Walnut Tree Close, Guildford	361	Under construction
18/P/0239 1	1 & 2 Ash Grove, Guildford	88	Granted, not yet commenced
20/P/0146	Just Tyres, Walnut	99	Under construction

0	Tree Close, Guildford		
Sub total		1,484	
<b>Current Applications</b>			
Ref:	Site:	Bed spaces	Status
21/P/00291	1 & 2, Ash Grove, Guildford	12	Decision pending
Sub Total		12	
<b>Site Allocations</b>			
Ref:	Site:	Bed spaces	Status
Policy A18	Land at Guildford College, Lido Road, Guildford	≈ 200*	Planning Permission Granted (17/P/00509)
Policy A34	The University of Law	≈ 112	
Sub total		312	
<b>Total</b>			
		<b>1,608</b>	

\*not included in total to avoid double counting

As can be seen from Table 1 there are currently a range of accommodation options available for students in Guildford and the University of Surrey has undertaken significant investment in new student accommodation at its Manor Park campus. When combined with the additional development underway as set out in Table 2 this provides for a total 7,535 bed spaces (excluding 21/P/00291 for 12 bed spaces), with further proposals for additional accommodation at application and pre-application stage.

The Council's Strategic Housing Market Assessment (SHMA) and Addendum report identifies that the number of full-time students at the University of Surrey expected to grow over the next ten years and this is reflected in the Council's Objectively Assessed Need (OAN) for housing.

Policy H1 states that purpose-built student accommodation will be encouraged on campus locations where appropriate and sets an expectation that approximately 60% of full time Guildford based University of Surrey students are to be provided accommodation on campus. Of the 40% of students that are not expected to be provided accommodation on site, some may seek private purpose-built student accommodation close to campus while others may seek alternative types of accommodation. Many students, through personal choice, may prefer to live in shared houses in the town or to live with family or friends in the area. The SHMA indicates that only 50-60% of full time students would seek purpose built accommodation as a first choice and the impact of students seeking shared houses is reflected in the Council's OAN.

The provision of additional student accommodation does have the potential to allow students currently residing in shared houses to access purpose built accommodation. This has the potential to free-up general housing stock for families and other occupants although this is only true in so far as these students living in shared houses due to lack of alternatives as opposed to personal choice. The potential to free-up some general housing stock nevertheless means the student accommodation proposed is capable of contributing to housing supply. However, the Council is able to demonstrate a five-year housing land supply with an appropriate buffer. This supply is currently assessed as 7.34 years based on most recent evidence.

It must also be noted that, like with many areas of society, universities and further education have been significantly impacted by the current COVID-19 pandemic which has reduced on campus student numbers and this is especially true for the University of Surrey, which has a relatively high proportion of overseas students. As is noted above, there is a significant quantum of student accommodation due to be delivered in the next 12-24 months and it remains to be seen whether there will be sufficient remaining demand to fill these developments.

There may be some demand for additional purpose-built student accommodation, although there is not a pressing or urgent need such that it should weigh heavily in favour of a grant of planning permission. Likewise, while the proposal would make a small contribution to boosting housing supply as the Council is able to demonstrate a five year housing land supply with an appropriate buffer and again this should not weight heavily in favour of development and does not trigger the requirement to apply the 'tilted balance'. Given the Council has an up to date Local Plan and a deliverable supply of housing there is no evidence to suggest that the development would reduce the pressure for development in the Green Belt.

For these reasons, and especially given the unique circumstances of the pandemic, at most moderate weight should be attributed to the benefits arising from the provision of student accommodation.

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

The application site forms part of Guildford Business Park, which is an edge of town commercial estate comprising large office buildings with internal access roads and landscaping. The application site forms part of the site in the south east corner of the site which currently provides surface and decked car parking. While the site is located on the main access road, views of the site from outside the site are limited to those from the access and on longer approaches along the A323. The Business Park is adjoined on both sites by commercial estates and the closest residential areas are well separated from the site by the A3 and other major roads.

The development proposed would comprise of a large detached building that would be comparable in scale to the commercial buildings on this site and of those on the adjoining sites. The proposed building would be designed to stand alone from the other commercial buildings on the Business Park; while the scale of the building would be similar, the external detailing would be distinctly different and the appearance of the building would assist in differentiating this building from the surrounding commercial development.

While the design of the building would be very different to that of the distinctive buildings which front the A25, this is considered to be appropriate given the position within the site and that the development will be of a different use to the other buildings on the site and in the surrounding area. When viewed within the site, the development would read as a standalone building, but would be of a high quality of design that would sit well alongside the more defined character of the frontage building. From outside the site, views of the building would be limited, and the development would have very little impact on the character or the appearance of the wider area.

The development is considered to be of a good quality design that would integrate well with its immediate surroundings and would have very little impact on the character of the appearance of the wider area. Accordingly, the development is considered to comply with the objectives of Policy D1 of the LPSS and the objectives of 12 of the NPPF.



### The level of parking and the impact on highway safety

The application site would be accessed from the internal estate road of the Business Park which links to the public highway at the junction of the A25 and the A3. Other than a limited amount of parking for disabled persons and areas for servicing the development includes no parking for the occupants of the development. Accordingly, the development is likely to result in very few vehicle movements to the site and, in fact, is likely to be less than the current use of the site as a car park or for the extant scheme which is for office accommodation. The County Highway Authority have also confirmed it has no objection to the development on highway safety or capacity grounds.

The application site currently provides car parking which is used by the other units at the Business Park and includes approximately eight car parking spaces. The site does however have permission for redevelopment for an office use, and parking for that unit, and the loss of this parking to serve the wider site has previously been considered to be acceptable. There is no reason to suggest that the development would prejudice the retention of a suitable level of car parking on the site and the County Highway Authority has raised no objection to the proposals on these grounds.

While not part of this application, the applicant is also proposing a new bridge over the railway to link the proposed student accommodation with the University. If implemented this would create a convenient and direct route between the Business Park and the University and would encourage walking and cycling as this route would be much quicker than by car or public transport. In the absence of the proposed bridge, students would be required to exit the Business Park towards the A25 and either turn right to access the town via Walnut Tree Close or turn left to access the University via Ash Grove. While both are safe and secure routes, they are far less direct than would be the case with the proposed bridge and would be less likely to encourage walking and cycling as a first choice means of transport.

The bridge proposed is therefore necessary to ensure that this development makes the most of the opportunities available for promoting sustainable modes of transport. There is currently no mechanism in place to secure the delivery of the bridge, or to ensure it will be open, maintained and available for the lifetime of this development. As well as an undertaking from the applicant, it is likely this would require undertakings from Network Rail and the University of Surrey, and there is no evidence to suggest that this is fully deliverable.

In the absence of a suitable mechanism to secure the delivery of the bridge, the development would conflict with Policy ID3 of the LPSS and would conflict with the objectives of section 9 of the NPPF.

### The quality of the residential environment created

The application site is currently part of Guildford Business Park and generally comprises car parking associated with the business use of the wider site. Notwithstanding the above, the site is within the urban area, close to the University and residential areas, and the principle of residential development should not be discounted. It is however essential that any residential development creates its own sense of place and should not become a small, isolated, disconnected, residential enclave in a large site that is otherwise commercial.

The location of the site assists this objective and would allow for a clear demarcation between the student accommodation uses and the Business Park site. The site access would be before the secure gate to access the business park and the layout and the landscaping scheme shows how the areas could be differentiated to accommodate the different uses. Residents of the student accommodation would have their own defined areas of private space and while these are relatively limited, the site is in very close proximity to the University which includes large areas of open spaces and various amenities for students. This would be accessed by the proposed bridge and this is essential in ensuring that the student accommodation feel connected to the University, rather than a disconnected accommodation block on a remote Business Park.

The development proposes 360 student bed spaces which are generally provided in the form of cluster rooms but also includes 69 studio apartments. All rooms would have large external facing windows and would benefit from reasonable natural light and ventilation as well as preserving the privacy of the future occupants of the units. The building includes a small area of shared space within the central courtyard of the building. The shared facilities within the building are good and appear to be of reasonable quality. Outdoor amenity space would be provided in the form of the central courtyard and while this area is relatively small, combined with the internal shared facilities, would provide a reasonable quality living environment from the proposed future residents. The development is also in very close proximity to the University campus which has large areas of informal open space. Good access to this campus and outdoor space is essential.

A number of the rooms within the buildings would overlook the train track and the site is also in close proximity to the elevated section of the A3 and the A25 and accordingly the site is in a relatively hostile location in respect of noise. It is therefore necessary for the bedrooms within the development to be insulated from this noise, and where required, provided with means of mechanical ventilation. This could have been secured by a planning condition in the event that permission was to be granted.

It is therefore considered that, while the development would generally provide a reasonable quality of student accommodation, it is essential that the proposed bridge link to the University is provided such that the development does not become an isolated residential development on an otherwise commercial site. There is currently no mechanism in place to secure the delivery of the bridge and it cannot be determined with any great degree of certainty that the bridge could / would be delivered in the event that planning permission was to be granted.

In the absence of a suitable mechanism to secure the proposed bridge, the application would deliver an isolated form of residential development which would fail to adequately integrate with its surroundings. For this reason, the development would conflict with policies H1 and D1 of the LPSS as well as sections 8 and 12 of the NPPF.

#### The impact on Heritage Assets

The application site is located approximately 1km north of Guildford Cathedral, The Cathedral Church of the Holy Spirit (Grade II\* Listed) and the proposed development would have a limited presence in views from the north looking towards the Cathedral.

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

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The elevated position and its gothic style and central tower create a landmark feature of the town. Also, of value is the wooded context and skyline provided by the many mature trees on and around Stag Hill, which provide an attractive backdrop to the town and setting to buildings including the cathedral and the university campus.

In this instance, the development proposed is a significant distance from the Heritage Assets. The views study SPD recognises that large scale development at Guildford Business Park is more prominent in the winter appearing to merge with the university buildings which further detracts from views of the cathedral at Stag Hill. The Business Park forms part of the wider setting of the Cathedral given the views available of the Cathedral from long range views including approaches along the A322. The building would, however, not extend above the line of existing buildings, including those on the University site, and it is not considered that the development would impact on the setting of the Cathedral on these views.

No material harm to the designated heritage asset has been identified and having due regard to Section(s) 66 of the (Listed Building and Conservation Area) Act 1990 and therefore this duty need not be considered further in the assessment of this application.

#### The impact on air quality

The applicant has not submitted any air quality assessment. The Council's Environmental Health Officer is satisfied that the proposal are unlikely to lead to any exceedances of the relevant Air Quality Objectives at this location. Consequently, no mitigation measures are required and there would not be any detrimental impact on future occupiers of the development.

The student accommodation will be car free with limited (8 only) spaces for staff and disabled drivers. The transport statement Table 5.2 shows that the proposed student accommodation has the potential to generate a total of 94 two-way person movements of which 16 movements would be vehicular during the AM peak period. During the PM peak period, the proposed student accommodation could generate approximately 125 two-way person movements of which 12 would be vehicular. The majority of movements would be on foot by pedestrians and proposed improvement to accessibility would ensure that the development would not have a detrimental impact on local air quality.

The scale of the proposal would mean that the impact of the construction and demolition phase would be greater, such as dust nuisance. Therefore, to ensure that adjoining uses and occupants would not be harmed, the environmental management at the construction stage would be appropriate and could be secured by condition had the application been supported.

## Sustainable design and construction

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

Policy D2 of the LPSS is the Council's policy requires new development to take sustainable design and construction principles into account, including by adapting to climate change, and reducing carbon emissions. The Council has adopted the Climate Change, Sustainable Design, Construction and Energy SPD in December 2020. This carries full weight in decision making. This application was submitted after April 2019, therefore, compliance with policy D2 is required.

The information about energy provision is acceptable and is the only element of compliance with Policy D2 that can be ascertained, however, is incomplete without the details on the commercial elements.

The applicant has submitted an Energy Statement, Sustainability Statement and Overheating Analysis however, none of these makes reference to policy D2 (it only refers to the 2011 SPD now superseded). The full application was submitted after the adoption of the LPSS in April 2019, therefore, has to comply with the requirements.

### *Energy*

#### **CHP**

The scheme falls within a District Heat Priority Area so should consider (C)CHP distribution networks as a primary source of energy. However, the system should be capable of expanding to connect with other networks and heat sources in the future (also set out in 4.5.36). There has been minimal investigation of heat networks nearby as it simply says they could not find the heat map. There is no acknowledgement that the adjacent Stag Hill Campus has a heat network either and whether a connection to Stag Hill is feasible or not given the intervening railway line. However, policy D2 (para. 4.5.36) does allow for building level systems under the definition of heat network, and they are proposing a building level low carbon heat network to supply hot water, excluding heating. Therefore, this partially meets the requirement.

#### **20% carbon reduction**

This would be a gas free scheme, so would gradually decarbonise along with the grid until it becomes zero carbon in the future. This would be very significant, and this approach is strongly supported. The sustainability statements states "No gas boilers or CHP units will be specified thus avoiding any negative effects on local air quality due to onsite combustion." However, the energy statement suggests that the non-residential uses would use gas and the residential use would be gas free (table p. 32), this requires clarification.

Setting aside the matters of gas, these are the positive aspects:

- The building achieves a carbon reduction of 26%.
- The use of air source heat pumps (ASHP) for hot water is positive.
- Space heating for the student residential units would be direct electric so would decarbonise to zero carbon overtime.
- The appraisal of technology options is thorough and accurate they have chosen appropriate

options, not just the easiest options.

D2 does not specify technologies so this is acceptable. This approach may be acceptable subject to clarification on the use of gas fired boilers for the non-residential spaces.

#### *Energy hierarchy*

- Under the energy hierarchy, the scheme should follow a fabric first approach, reducing emissions as far as possible through design and fabric before moving on to low carbon energy. The Energy Statement follows the 2011 SPD and they have sought to achieve BREEAM 'very good', and the sustainability statement indicates that they could achieve 'excellent'. The difficulty is in comparing the information provided with the requirements of policy D2 asks for. In this case, if the application were to be approved it would be reasonable to request them to achieve BREEAM 'excellent', which the information provided does indicate would be possible, through proof of certification. Whilst this would not accord with policy D2 the energy strategy would respond to some of the objectives of the energy hierarchy.

However, in the absence of any explanation of why the carbon saving through fabric is only circa 5% and would be seemingly quite low. A condition for a proof of certification to achieve BREEAM 'excellent' would not address this fundamental aspect of the energy hierarchy approach adopted by the Council. If this is the best fabric possible, the energy statement should explain why and this has not been explained.

In the absence of this information it is not possible to confirm that the carbon reduction has followed the energy hierarchy.

#### *Sustainability statement*

The sustainability statement refers back to the 2011 SPD, it does not refer to policy D2.

#### **Materials and waste**

The information states that the BRE Green Guide to Specification would be used to select materials. However, they do not commit to using materials with low embodied carbon/a low environmental impact. It should state which Green Guide ratings would be achieved or favoured.

Regarding waste, they rely on achieving BREEAM 'very good'. However, under policy D2 details of how the waste hierarchy would be implemented and how resource efficiency would be achieved. The SPD would allow BREEAM 'excellent' in lieu of this information, although they are not proposing that. They state that a Site Waste Management Plan would be implemented and this would be acceptable so could be secured by condition.

There is no information about other types of waste that are likely to arise from the development or how it would be reused, recycled or otherwise diverted from landfill in line with the waste hierarchy, wherever possible.

#### **Landform, layout, building orientation, massing and landscaping**

It states that "The architectural design will be optimised to reduce energy use and CO2 emissions..." and provides options such as "Optimising orientation and layout for solar gain and natural daylighting". However, the design is now set so this information should be available at this stage. Again, it devolves this work to the achievement of BREEAM 'very good', which is not acceptable in lieu of information.

### **Water**

Water efficiency achieves the required standard for dwellings of 110 litres per person per day, even though this scheme is non-residential under building regulations and would not be caught by the requirement.

### **Sustainable lifestyles**

The sustainable transport side is strong with good links to buses, trains, a bridge to the campus and 180 secure cycle spaces. The bridge to the campus would encourage walking more widely so brings a broad benefit for climate change mitigation.

There is an absence of details for encouraging energy efficiency from occupants. Again, it is not possible to know whether the policy has been met until the applicant makes clear what measures it intends to implement.

### *Climate Change Adaptation*

Overheating is a key climate change risk in the South East Region and development proposals must include adaptations that reduce this risk, especially where modelling shows that overheating is likely. A CIBSE TM:52 Overheating Analysis has been undertaken, which is an appropriate response to climate change adaptation. It finds no overheating risk. There are positive measures for severe rainfall (e.g. brown roof, attenuation tanks).

The proposal has not provided sufficient details to be satisfied that it would meet the requirements of policy D2 of the LPSS and the Climate Change, Sustainable Design, Construction and Energy SPD and paragraph 153 of the NPPF and a reason for refusal is justified.

### The impact on the Thames Basin Heaths Special Protection Area

The application site is located within the 400m to 5km buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes 360 (a mix of single and studio) student bed spaces and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development. Contributions are based on the expected occupancy of the development however the strategy advises that applications for student accommodation should be determined on a case by case basis.

Student accommodation does not impact on the SPA in the same way as traditional residential housing. Natural England has advised that 65% of visitors to the SPA visit to walk dogs and 75% of visitors arrive by private car. Given that students are very unlikely to have dogs or have access to private cars Natural England have advised it is appropriate to reduce the contributions required to SANG and SAMM.

In the absence of a completed planning obligation to secure SANG and SAMM contributions it is not possible to conclude that the development would not harm the integrity of the TBH SPA and therefore would not meet the objectives of the TBHSPA Avoidance Strategy, Policy P5 of the LPSS and Policy NRM6 of the South East Plan 2009. For the same reasons the development fails to meet the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

In regards to the potential impact of air pollution on the Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC; air pollution modelling has not been provided, in the submitted Air Quality Assessment.

The student accommodation in itself is unlikely to lead to a significant increase in vehicle movements. Therefore, the potential impact of air pollution on the Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC is likely to experience very limited impact and an air pollution assessment is not required to assess whether the proposal would have an impact on the nearby designated sites.

#### Planning contributions and legal tests

The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S.106 agreements to be:

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

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

As the application has been deemed to be inappropriate for a number of reasons, the applicant has not been invited to enter into a legal agreement. However, had the application been acceptable, the following would have been negotiated. The applicant has confirmed that they intend to submit a unilateral undertaking to prove their commitment to delivering the required mitigation and the infrastructure. At this time, this is not signed and executed, to secure the mitigation.

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

The development is required to mitigate its impact on the TBH SPA in accordance with the TBH SPA Avoidance Strategy SPD and the Planning Contributions SPD. Without this contribution, and as already set out elsewhere in the report, 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.

### *Sustainable travel improvements*

The Local Planning Authority would have sought a contribution towards Real Time Passenger Information System to be provided within the building foyer to encourage future occupiers to use the bus service and be an even more attractive option. It would also give residents who do not own a way to travel around the town. The contribution would meet with the aims and objectives of policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### *Travel Plan*

The Local Planning Authority would have sought a contribution towards monitoring of the travel plan required. Monitoring is an essential part of any sustainable initiative process. It enables the County Highway Authority to see whether the sustainable initiatives have been successful, review the progress towards your objectives and targets, and to update the way forward as necessary. The contribution would meet with the aims and objectives of policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### *Occupation restriction*

The Local Planning Authority would have sought to manage the occupation of the bedspaces to students in full time education at an institution within the Borough of Guildford. This would ensure that the bed spaces are occupied to meet the identified housing need. The contribution would meet with the aims and objectives of policy H1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

## **Conclusion/Planning Balance**

The key assessment that has to be carried out in the first instance is the loss of land from this Strategic Employment Site (SES), based on the information submitted by the applicant and other material consideration the loss would be contrary to Policy E3 of the Guildford Local Plan: Strategy and Sites 2015-34, and there is a fundamental need to maintain Strategic Employment sites over the plan period to ensure that Guildford can compete with other towns to provide high quality employment floorspace, resulting in economic harm.

Policy E3(11) has not been satisfied as the marketing strategy for alternative suitable B class employment use and other employment generating use is not active and comprehensive.

Even if policy E3(11) had been satisfied the benefits would have to outweigh the inherent harm from the loss of employment land and this is a planning balance. The benefits are set out below.

Harm has also been identified at the proposals do not comply with the requirement of policy D2, so there would be environmental harm.

While the development would deliver additional student accommodation, and assist in the delivery of new homes, that accommodation would not be located on campus, which is the location where such development is supported under policy H1 of the Local Plan. The benefits of delivering such housing is considered to be **modest** and does not outweigh the conflict with the development plan. Moreover, without a suitable mechanism to secure the proposed bridge to the University, the development would result in an unconnected and isolated residential development in a commercial site and would not make the best use of opportunities to use suitable modes of



transport. The new bridge would be mitigation needed for the proposed residential use and would not otherwise be required so would have some wider public benefits would not be realised and afforded **limited** weight.

Only limited additional information (post appeal decision) has been provided and the 'Alternative Use Enquiries' document and 'all enquiries strategy' does not amount to an active and comprehensive marketing for other B class and employment generating uses despite the 'Kingstons' December 2020 marketing review. Also, the enquires does show that there is some interest and that interest should be further explored.

Other considerations that weight against a grant of planning permission are that the government has introduced Class E which is intended to be flexible commercial space and enable mixed use that complement each other. This option has not been explored through the marketing since the Town and Country Planning (Use Classes) Order 1987 was amended under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 on 01.09.2020.

The impact of the COVID-19 pandemic on many aspects of life and the economy could be far reaching. The repercussions would have an impact on the site as a whole and as there is no building on this site, no lost revenue is being incurred. The Business Park needs to be looked at holistically and regardless of the decision on Plot 5, may well continue to have on-going difficulties getting occupants in response to the changing demands for employment space. Although, at this time it is not possible to make a judgement on the long term effects of the pandemic and how this may have affected their ability to effectively market the Site, and certainly the likelihood of offers being received. The short term effects may be relevant to considering the weight to be attributed to the outcome of the marketing exercise. However, the long term impacts of the pandemic can be afforded limited weight at this time.

When read as a whole, the proposal conflicts with the Development Plan and accordingly does not benefit from the presumption in favour of sustainable development. Planning decisions should be made in accordance with the development plan, unless significant material considerations indicate otherwise, and accordingly it is recommended that planning permission is refused.

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## Appeal Decision

Site visit made on 6 October 2020

by **D.R McCreery MA BA (Hons) MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 26 October 2020

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**Appeal Ref: APP/Y3615/W/20/3250004**

**5 Guildford Business Park, Guildford Business Park Road, Guildford  
GU2 8XG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Pavilion Trustees Ltd and Pavilion Property Trustees as joint Trustees of Eagle Unit Trust against the decision of Guildford Borough Council.
  - The application Ref 19/P/00407, dated 27 February 2019, was refused by notice dated 29 January 2020.
  - The development proposed is redevelopment to provide purpose built student accommodation including 360 bed spaces, support ancillary student services (such as study spaces, gymnasium, games rooms, lounge areas, student hub) car and cycle parking, access and landscaping arrangements.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Pavilion Trustees Ltd and Pavilion Property Trustees as joint Trustees of Eagle Unit Trust against Guildford Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are whether the proposed development would result in the loss of a site that should continue to be available as a strategic employment site and whether it would make adequate provision for local infrastructure improvements.

### Reasons

#### *Availability as an employment site*

4. It is common ground between the Appellant and the Council that the appeal site, currently used as surfaced car parking, is defined within the Guildford Local Plan (Local Plan) as forming part of a Strategic Employment Site (SES) and that the proposed development would result in the loss of employment land from it. In such circumstances, Policy E3 of the Local Plan indicates that change of use to a non- employment use will only be acceptable if evidence is provided of active and comprehensive marketing.

5. The requirements in Policy E3 around the marketing of sites for their current and alternative uses are covered separately in subparagraphs 10 and 11. Reference to 'consideration' of alternative uses in subparagraph 11 is undefined in the Local Plan and is to therefore be given its ordinary meaning. However, it must also be read in the context of the sentence in which it appears which includes specific reference to comprehensive and active marketing as defined in Appendix 4.
6. The requirement for marketing is consistent with the aims of Policy E3 to sustain and enhance employment by protecting the sites set out in the policy, including those within the SES such as the appeal site. Subparagraphs 10 and 11 have common objectives in seeking to achieve this overall aim.
7. Considering the specific wording of the policy and the wider context in which it appears, it is sufficiently clear that the active and comprehensive marketing required under the policy applies to both current and alternative suitable B class employment uses and other employment generating uses. I am not persuaded that the differences in wording and presentation between subparagraphs 10 and 11 implies that they are intended to have different effects or that a different exercise for alternative employment uses should apply.
8. Notwithstanding this, the detailed description of the marketing to be undertaken described in Appendix 4 is subject to an element of flexibility and, as with any policy requirement, should be applied in a rational way depending on the specifics of the case. As the detail in Appendix 4 is intended to apply generally it also logically follows that elements of it will be less relevant in some cases. As such, Appendix 4 does not in my view impose absolute requirements. However, the overall outcome of the marketing exercise undertaken should as a matter of judgement be regarded as active and comprehensive.
9. How the marketing requirements of Policy E3 have been met is principally described in the Appellant's Test of Marketing Report. In respect of alternative uses, in my opinion an 'All Enquiries' approach to marketing is capable of indicating with sufficient clarity that the land is also available for alternative uses, which would include other B class and employment generating uses. As such, it is not fatal that the Appellant has not marketed the site for specific alternative uses.
10. Notwithstanding this, the evidence put forward appears to focus on marketing the site for development of the extant planning permission for office use, which in this regard is comprehensive. The site being available for other uses as part of an 'All Enquiries' approach is not consistent in the evidence, in particular within the published marketing material. As such, on the evidence presented, the marketing undertaken in respect of alternative uses appears to lack prominence and consistency and therefore falls short of being regarded as adequate as part of a comprehensive and active exercise.
11. Evidence of prospective non office users of the site coming forward indicates a level of success in the marketing that was undertaken. However, without more consistent evidence of marketing using the 'All Enquiries' approach it does not demonstrate with sufficient certainty that there is not the market demand for other B class and employment generating uses necessary to justify loss of employment land from the SES.

12. The preamble to Policy E3 indicates that the Council had been unable to identify sufficient employment land within the area, which made it necessary to allocate new employment sites to ensure that there is sufficient choice and flexibility in the local market to meet current and future needs.
13. The appeal site is currently used as a surfaced car park. As such, existing employment floor space would not be lost due to the proposed development. However, it would result in the loss of employment land from the SES that has been allocated in the Local Plan to meet the needs of the area looking forward, with a consequent loss of diversity in the provision of employment land. Permissions granted for development of other buildings on the business park do not adequately mitigate the loss of the appeal site within the SES to a housing use, due to the overall effects of the proposed development on the availability of employment land.
14. I have considered the applicability of Policy E3(15) which is a positively worded policy that seeks to support complementary ancillary uses on the SES. As the proposed development is not argued to be a complementary ancillary use this policy is of limited relevance.
15. For the reasons discussed above, the proposed development would result in the loss of a site that should continue to be available as a strategic employment site. Consequently, I find conflict with Policy E3 of the Local Plan, which includes the requirement for a comprehensive and active marketing exercise that includes alternative suitable B class and other employment uses.

*Local infrastructure provision*

16. It is proposed that financial contributions would be made towards the delivery of a footbridge over the railway line to link the Guildford Business Park to the University of Surrey and is the subject of a separate extant planning permission. A mechanism is also proposed to prevent practical operation of the development prior to the footbridge being in place and to restrict its future use. The Appellant has submitted a planning obligation with the appeal that aims to cover these items.
17. Although the site is within the urban area of Guildford, it's out of centre business park location and the wider context of the busy road network and railway line means that it is physically and functionally isolated from other areas of housing and the University. This disconnection is contrary to the aims of Local Plan Policy D1 which seeks to promote the development of high quality places with appropriate connections between spaces.
18. In the absence of the footbridge, future occupants of the proposed development reliant on the University would access it on foot or bicycle via the main road. This would involve a more extensive journey time than on foot took me between 10 and 15 minutes when I visited the site. Along the busiest sections of main road I observed wide footways that also served to provide a segregated cycleway. Whilst not attractive in places due to the busy roads, the route felt safe and secure.

19. The provision of the footbridge connecting the site with the University would go some way to improving the physical and functional connection between the site and other areas beyond the business park. A more convenient and attractive route to the university would assist in encouraging more sustainable transport choices, although I find it to be less necessary in this regard.
20. However, taking these two matters together, I am satisfied that an obligation of the nature submitted with the appeal is necessary to make the development acceptable in planning terms and would meet the other tests set out in paragraph 56 of the National Planning Policy Framework (the Framework).
21. The Council raise a number of queries on the detail of the obligation which the Appellant has responded to. In relation to wider public access of the footbridge, I note that this would be restricted during night time hours for security reasons. Whilst this would limit the wider public benefits of the footbridge to a degree, the need for the restriction is understandable. During these hours suitable provision would also be made for students and other users of the University to access the bridge through the use of a key card or similar mechanism. As such, the limitation would not prevent the footbridge from mitigating the impacts of the development in terms of improving connectivity for its users.
22. Other matters on the obligation raised by the Council, including those relating to third party agreements, are of a legal and technical nature. Given the wider conclusions of this decision it is not necessary for me to go on to conclude on these matters which would remain issues between the Council and the Appellant should a planning application be submitted at a later date.
23. In conclusion, the overall aims of the submitted obligation would make adequate provision for local infrastructure improvements. Consequently, I do not find conflict with the objectives of policies H1, D1 and ID3 of the Local Plan in relation to promoting high quality places with appropriate connections between spaces and sustainable transport choices.

#### *Planning balance*

24. For the reasons discussed above, I find harm in relation to the loss of a site that should continue to be available as a strategic employment site and consequent conflict with Local Plan policy.
25. The degree of harm should be weighed against the potential benefits of the proposed development. It is common ground between the parties that additional student housing would be a welcome benefit, both in terms of its direct provision and also the indirect benefits of freeing up housing elsewhere in the area. This provision attracts positive weight, also paying regard to the emphasis the Government places on the delivery of housing in the Framework. I also note the Appellants points about other benefits, including the possible wider public use of the footbridge that would be facilitated as part of the development.
26. Whilst these matters attract positive weight, they do not outweigh the harm that would result from loss of employment land from the SES, given the purpose of the designation to provide for the current employment needs of the area and looking forward.

**Other Matters**

27. The appeal site lies within the buffer zone of the Thames Basin Heaths Special Protection Area (SPA), a European designated site. Whilst not a reason for refusal on the decision notice, in line with the Conservation of Habitats and Species Regulations 2010 I must as competent authority ascertain that the development would not have an adverse impact on the integrity of the SPA, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. I note that the Appellant has included financial contributions towards provision of alternative green space and management and monitoring in their planning obligation. In light of my finding of harm in respect of other matters, I do not need to conclude on the adequacy of these contributions.

28. The COVID 19 pandemic is likely to have a number of far reaching effects going forwards, which may include demand for employment space and also different types of housing provision. As the long term effects of the pandemic cannot be reasonably judged at present, I am unable to afford this consideration significant weight.

**Conclusion**

29. For the above reasons the appeal is dismissed.

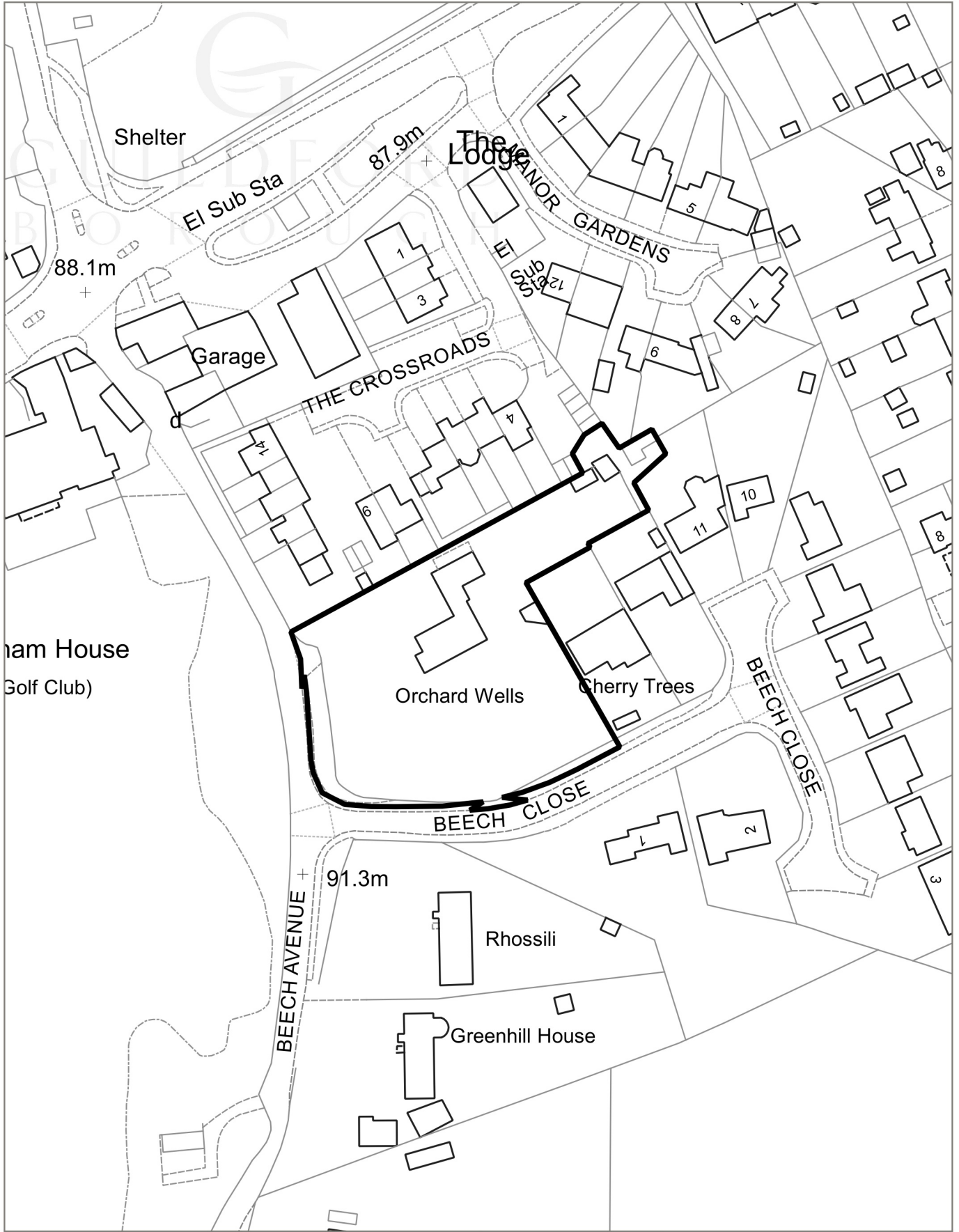
*D.R. McCreery*

INSPECTOR

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# 20/P/00737 - Orchard Walls, Beech Avenue, Effingham, Leatherhead



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This map is for identification purposes only and should  
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Print Date: 15/03/2021



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GUILDFORD  
BOROUGH

20/P/00737 – Orchard Wall, Beech Avenue, Effingham



**App No:** 20/P/00737  
**Appn Type:** Full Application  
**Case Officer:** Carolyn Preskett  
**Parish:** Effingham  
**Agent :** Mrs Collins  
Solve Planning Ltd  
Sentinel House  
Ancells Business Park  
Harvest Crescent  
Fleet  
GU51 2UZ

**8 Wk Deadline:** 02/04/2021

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

**Location:** Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG  
**Proposal:** Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close' (amended description with amended plans received 18 November 2020)

### **Executive Summary**

#### **Reason for referral**

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

#### **Key information**

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

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

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

Three no.4 bed dwellings and three no. 3 bed dwellings are proposed. No one or two bedroom units are proposed but a Viability Report has been submitted with the application following the receipt of amended plans. The Viability Report has been reviewed by an independent consultant appointed by the Council.

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

The site is allocated in the Effingham Neighbourhood Plan for residential development, this was for up to 6 homes ( a net increase of five dwellings). The principle of housing development on this site is considered acceptable.

The plans have been amended since originally submitted and the revised proposals are considered to be in keeping with the character of this semi rural surrounding area in terms of design and layout. The proposals would not result in any undue loss of neighbouring amenity in terms of loss of privacy, loss of light or overbearance.

The proposals do not include 50% 1 or 2 bedroom units. A Viability Report has been submitted with the application. The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions.

### **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: AAL-20-100-P14; AAL-20-100-P12; AAL-20-100-P13; received on 12 May 2020 and amended plans AAL-20-100-P01D; AAL-20-P02C; AAL-20-100-P03C; AAL-20-100-P04C; AAL-20-100-P05C; AAL-20-100-P06D; AAL-20-100-P07C; AAL-20-100-P08B; AAL-20-100-P09B; AAL-20-100-P10B; AAL-20-100-P11B received 18 November 2020.  
  
Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
  
3. Prior to any development above slab level details and samples of the proposed external facing and roofing materials including colour and finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.  
  
Reason: To ensure that the external appearance of the building is satisfactory.
  
4. No development above slab level shall take place until energy information has been 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 dwellings, 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.

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

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

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Beech Close has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.AAL-20-100-PO2 rev D and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. AAL-20-100-P02 Rev E, 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: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. AAL-20-100-P02 Rev D for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until existing access from the site to Beech Avenue has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

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

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

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

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

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

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

13. The development hereby approved shall not be first occupied until a hard and soft landscaping scheme, including details and samples of hard landscaping and details of the number and species type of proposed

trees/plants, has been submitted and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme, other than planting, seeding or turfing, shall be implemented in accordance with approved details and samples prior to the first occupation of the development. All planting, seeding or turfing shown on the approved landscaping proposal shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, and E shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

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

16. The first floor windows in the side elevations of the dwellings hereby approved shall be glazed with obscure glass and permanently fixed shut,

unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

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

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

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

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

19. The Beech Hedge running along the site boundary adjacent to Beech Avenue and Beech Close as shown on plan no.AA1-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

20. The existing boundary walls to the site as shown on plan no. AAL-20-100-P01 REV D shall be permanently retained.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:



Offering a pre application advice service

Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application

Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

- Pre-application advice was not sought prior to submission and The application as originally submitted was unacceptable but Officers chose to work with the applicant and sought amended plans and a viability report to overcome Officers concerns.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.

6. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

## **Officer's Report**

### **Site description.**

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

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

The site is allocated in the Effingham Neighbourhood Plan for up to 6 new residential dwellings which includes the existing house on the site, a net increase of 5 dwellings (Policy SA3).

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

### **Proposal.**

Demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close (amended description with amended plans received 18 November 2020)

### **Relevant planning history.**

None relevant

### **Consultations.**

#### Statutory consultees

County Highway Authority: Recommend conditions and informatives

Thames Water: No comments received

Internal consultees

Head of Environmental Health and Licensing:

There are no records to indicate any former uses on this site requiring an investigation to address possible land contamination. No further comments or objections.

Effingham Parish Council - objection on the following grounds

- overdevelopment of the site
- out of character with the surrounding area and nearby conservation area
- proposed buildings are higher than surrounding buildings and there is a lack of space around them
- proposed dwellings dominate and overshadow neighbouring properties
- concern over access road being closer to Beech Avenue/ Beech Close junction than should be and prejudice road safety
- no parking for visitors or for disabled visitors

Following the receipt of amended plans Effingham Parish Council raised the following further objections:

- proposals contrary to Policy ENP-H2 . No one or two bedroom units are proposed.
- EPC has serious concerns about the Viability Appraisal and Report and requests that GBC undertakes thorough expert scrutiny of the Viability Appraisal and Report (Officer comment: the viability report has been independently assessed as set out in the committee report)
- amended size of the proposed houses results in an overdevelopment of the site, the site will appear out of character and more cramped than its neighbour Beech Close
- the parking layout plan is inconsistent with the Design, Access and Planning Statement (Officer note: the amended Design and Access Statement appears to have only partially been updated and some elements and references within it relate to the original proposals still)

Amenity groups/Residents associations

The Crossroads Residents Association

The Residents Association have submitted an email to/from the applicant detailing discussions between the two parties as their comment in relation to this planning application. The comments detail points raised in this exchange and a request that should the application be approved that they would like appropriate conditions to be imposed relating to the following:

- the retention of the historic wall
- point and repair as needed both sides of the historic wall before the properties are sold
- clarity on ownership/ liability and maintenance of the wall now and for the future
- covenants to stop conversions of garages/lofts/balconies and to stop right of way through The Crossroads garages
- shadow plans for Plot 8 and 1 to see the effect of overshadowing
- no construction access through our garages at any time.
- Access through existing entrance to Orchard Walls on Beech Avenue to be limited to the first 2 weeks of site working in order to clear the way for the new entry into the development
- environmental survey on the property including the sheds and buildings at bottom of the garden
- overlooking windows will be fixed except for a fanlight
- no street lighting as we are in a dark skies area
- no weekend construction work except for Saturday mornings between 0800 and 1300 hours.
- applicant will set up/organise a maintenance company to maintain hedges and wall in the future

Effingham Residents Association - objection on the following grounds

- proposals are contrary to Policy ENP - H2 of the neighbourhood plan.
- concerns over the submitted Viability Report and state that this is for GBC to scrutinise (Officer note: Consultants Dixon Searle were appointed to review the Viability Report)
- development contravenes policy ENP-G2 of the Neighbourhood Plan and would be out of character with the area that surrounds it.
- concerns relating to the current gate from Orchard Walls into the garage area at The Crossroads could be later used to apply for a further property on the site.
- concerns relating to the impact on the Conservation Area. Any development should preserve and enhance the setting of the wall which runs along the northern boundary of the site. The proposed garage to Plot 1 would spoil the view of the wall from the proposed entrance from Beech Close. Any approval should protect the wall and hedges surrounding the site with appropriate conditions.
- pleased that the design of the dwellings have been modified particularly the removal of bulky roof forms however concerns remain about the height of the proposed dwellings.
- concern that three of the dwellings each have three rooflights which is contrary to Policy ENP-EN4 as Effingham is a dark skies village
- concerns over highway safety surrounding proposed access
- concern over trees as a number of trees have already been removed
- the three four bedroom houses should have three allocated car parking spaces ( Officer note: Plot 1 proposes 2 garage spaces and 2 parking spaces, Plot 2 and Plot 3 propose 1 garage space and 2 parking spaces each)
- since the Effingham Neighbourhood Plan was formulated the Secretary of State has allowed 295 new homes in Effingham so these new houses are no longer essential
- proposals in breach of Neighbourhood Plan and would damage the Effingham Conservation Area

**Third party comments:**

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

- contrary to policy ENP-SA3 which recommends 6 new dwellings at the Orchard Walls site not the 8 proposed with no justification for this change.
- out of keeping with quiet semi rural character of the village
- additional cars would create traffic problems
- concerns relating to parking and visitor parking
- proposed dwelling No. 8 would overshadow properties within The Crossroads
- noise and disturbance caused by large increase in number of properties
- proposals are not in the spirit of the Effingham Neighbourhood Plan
- unreasonable density increase on the edge of the Conservation Area and towards the countryside to the south
- concern over access for cars and more significantly refuse and delivery vehicles
- detrimental effect on character and nature of the area
- proposed development by reason of its layout, form and scale constitutes overdevelopment of the site
- concerns relating to ecological habitats
- concerns relating to significant increase in demand for utilities
- loss of trees already
- interrupting the habitat of local bat and owl species

- Access drive should be in Beech Avenue which would give Council an opportunity to widen the road as it struggles to accommodate large supermarket delivery vehicles and school coaches as it is.
- loss of privacy to dwellings in The Crossroads and Beech Close
- demolition of a large established house of character will be a great loss of this part of Effingham.
- a cul de sac within a cul de sac will be an alien to the environment
- massive amount of developer activity and disruption to current quiet cul de sac
- potential restriction of access to current residents garages during development
- overbearing nature of proposed dwellings
- impact on Conservation Area and Grade II listed red brick wall
- poor design, large flat roofs and ugly slab like elevations resulting in very large and high storeyed block like houses contrary to the standard pitched roofs surrounding the site.
  
- loss of light
- plot 8 appears to have a large upstairs first floor external terrace along the whole length of the East Elevation
- concerns over future further developments and wishing access to garden of plot 8 be limited to agricultural or garden machinery only.
- concerns over boundary fences
- further housing in danger of losing the village
- concern over the historic orchard wall which borders the site
- concerns over street lights and potential security lights which would be a nuisance factor contrary to ENP-ENV 4 Dark Skies Area
- concerns over the height of Plot 8 and its proximity to the boundary with properties in The Crossroads
- housing target in Effingham already exceeded
- there is no need for this development and so the application should not be approved
- concerns relating to carbon emissions of future residents
- the long term effects of covid -19 on planning policy
- important that amenity value of open green space is given its due weight in planning application. Orchard Walls provides an attractive view from public footpath alongside Beech Avenue.
- roof lines of all of the proposed dwellings is higher than neighbouring properties in Beech Close and The Crossroads
- proposed access road creates an unsafe area and an unsafe junction with Beech Close
- concern over new trees being planted close to road and parking spaces - roots likely in future to cause pavements and roads to become uneven.
- clearance work was ongoing during May last year despite provisional recommendations in ecological assessment that no tree or shrub clearance should be carried out during the bird nesting period, March to September.
- no grounds to approve until all uncertainty caused by pre-existing planning decisions is removed and a genuinely sustainable development plan has been re-established
- inferior buildings choosing to replace a quality residence
- covenants are placed within deeds to stop future loft conversions and velux windows
- overlooking window on plot 1 will be fixed except for a fanlight
- no weekend construction work except Saturday morning

Following the receipt of amended plans 17 additional letters have been received reiterating the original comments and making the further points:

- revised proposals remain out of keeping
- several large houses close together with small front gardens
- two wide and taller houses with heavy dormers standing on higher ground without front gardens, just rows of street parking places, quite unlike Beech Close houses with their off street parking
- proposals remain very cramped and out of keeping with the open rural nature of existing site.
- proposals remain contrary to Policy ENP-H2
- large area of Beech hedge to be removed for sight lines
- concerns over demolition and back access to Plot 6
- concerns over boundary fencing
- no affordable housing being provided
- concerns over future further development in garden area to Plot 6
- plots 1 and 6 have moved nearer to The Orchard Wall which borders the houses in The Crossroads
- revised Plot 1 garage location more obtrusive

### **Planning policies.**

#### National Planning Policy Framework 2019 (NPPF):

Chapter 1. Introduction

Chapter 2. Achieving well designed development

Chapter 4. Decision Making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well - designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

#### South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

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

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 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.

S1	Presumption in favour of sustainable development
H1	Homes for all
P5	Thames Basin Heath Special Protection Area
D1	Place shaping
D2	Climate change, sustainable design, construction and energy
D3	Historic Environment
ID3	Sustainable transport for new developments
ID4	Green and Blue infrastructure

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

G1(3) (8) (12)	General Standards of development
G5 (2) (3) (4) (5) (7) (8) (9)	Design Code
G6	Planning Benefits
H4	Housing in urban areas
M6	Provision for Cyclists and Pedestrians
NE4	Species Protection
NE5	Development Affecting Trees, Hedges and Woodlands

Effingham Neighbourhood Plan 2018:

ENP-G2	Landscape, Heritage, Character and Design
ENP-G3	Archaeology and the Historic Environment
ENP-G5	Assessing suitability of sites for residential development
ENP-H1	New Homes in Effingham
ENP-H2	Mix of Housing
ENP-ENV2	Wildlife Corridors and Stepping Stones
ENP-ENV6	Dark Skies
ENP-R1	Car Parking
ENP-SA3	Land at Orchard Walls

Supplementary planning documents:

SPD Vehicle Parking Standards 2006  
SPD Climate Change, Sustainable Design, Construction and Energy 2020  
SPD Planning Contributions 2017  
Thames Basin Heath Special Protection Area Avoidance Strategy 2017

Other guidance

Guilford Borough Council - Guidance on the storage and collection of household waste for new developments July 2017

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- design, layout and housing mix
- living environment
- the impact on neighbouring amenity
- the impact on the Effingham Conservation Area
- highway/parking considerations
- impact on trees and ecology

- sustainable design and construction
- flooding
- infrastructure requirements
- presumption in favour of sustainable development

#### The principle of development

The site is no longer designated as Green Belt land following the adoption of the Local Plan 2019.

The site is identified in the Effingham Neighbourhood Plan Policy ENP-SA3 as allocated for residential development. The neighbourhood plan supports development of up to 6 new homes on this site replacing the existing house (a net increase of 5) subject to the following:

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

There is no in principle objection to housing in this location. However, Officers must still be satisfied that the proposal complies with the development management policies set out in the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 25 April 2019) and policies contained within the Effingham Neighbourhood Plan 2018.

#### Design, Layout and Housing Mix

Paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF notes that decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.



Policy D1 of the LPSS provides the Council's requirements with regard to place shaping. Point 4 states that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Policy ENP-G2 of the Neighbourhood Plan seeks to conserve the essential landscape, heritage and rural character of the plan area.

Policy ENP-H2 of the Effingham Neighbourhood Plan relates to Housing Mix and sets out requirements for new residential development. In relation to developments of fewer than 10 units which is relevant to this application the policy states the required mix of housing tenures, types and sizes to meet local housing requirements which are as follows:

at least 50% of market homes shall have one or two bedrooms

the percentage of affordable homes shall be as set out in the Guildford Borough Local Plan

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

The planning application originally sought planning permission for 8 dwellings with a new access to Beech Close. Officers informed the applicant of their significant and numerous concerns relating to the design and layout of the proposals. Subsequently amended plans were received which addressed many of the issues relating to the design and layout namely:

- reduction in number of units from 8 to 6
- increased spacing between units 1 to 3
- reduction in bulk and height of proposed roofs and removal of large flat roofed area
- reduction in ground floor accommodation to enable a more proportionate split between the footprint of the houses and the rear gardens
- reduction in the scale of Plot 6 (formerly plot 8) to improve relationship with The Crossroads
- areas of flat roofs that could potentially have been used as terraces have been removed
- provision of parking and visitor parking to meet Council Standards
- redesign of the dwellings to address local character and vernacular concerns

However the amended proposals do not provide 50% market homes with one or two bedrooms as required by Policy ENP-H2 of the Effingham Neighbourhood Plan. The applicant has provided a Viability Report stating why on the grounds of financial viability they have not provided any smaller units. The Viability Assessment Report submitted concludes that:

*"It is therefore clear that not only is the site unable to viably support a smaller policy compliant scheme, but neither the proposed 6 no. detached house scheme nor the smaller 6 unit policy compliant scheme can afford to provide any element of affordable housing contribution, with the larger proposed scheme only remaining viable if the development is sold on the basis of 100% private sales."*

The Viability Assessment Report has been reviewed by an independent consultant appointed by the Council who has concluded that they agree with the conclusions of the VAR and that a smaller policy compliant scheme would not be viable. The review further states that the proposed scheme does appear viable based on their review of the assumptions. The report indicates that any number of smaller units would not be viable.

In terms of housing mix the proposal is for three 4 bed units and three 3 bed units.

The dwellings in the surrounding area are of varying designs, ages and sizes. The proposed development with 6 dwellings would have a density of 16 dwellings per hectare which compares with a density of Beech Close at 12 dwellings per hectare and The Crossroads at 27 dwellings per hectare. The proposed development would be accessed off Beech Close and would be a simple cul de sac of dwellings. The tall beech hedge that forms a distinctive feature around the road frontages to the site is to be retained with the exception of the area where the new access would be. The current access to the existing dwelling is to be closed and replaced with a new infill section of beech hedge to match the existing. A condition securing the retention of the hedge is recommended.

The amended plans have reduced both the number of units proposed on the site and the sizes of the proposed dwellings to better reflect the scale and character of the surrounding area. In addition, the amended plans pay more attention to the local vernacular and the semi rural character of the area. The spacing between the proposed dwellings is considered adequate. Plots 4 and 5 are chalet bungalows to reflect the scale and character of the adjacent property in Beech Close and Plot 6 is also a chalet style property adjacent to the boundary with properties within The Crossroads that back onto the site. A condition requiring details of proposed materials is recommended to ensure appropriate materials are used that reflect the semi rural character of the area.

It is considered necessary and reasonable that permitted development rights are removed to ensure any future changes will require planning permission and the Local Authority will be able to exercise some control over any future changes to the proposed dwellings given the semi rural character of the site, the size of the dwellings currently proposed and the site characteristics.

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

#### Living Environment

The proposed sizes of the 6 dwellings would meet with the DCLG's Technical Housing Standards - Nationally described Space Standards (March 2015) and the requirements of Policy H1 of the new local plan. The dwellings would have adequate amenity space. As such it is considered that a satisfactory environment in terms of outlook, privacy and adequate garden / amenity space would be provided with a suitable internal layout.

#### The impact on neighbouring amenity

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

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

Plot 6 would be in a similar position to the existing dwelling, Orchard Walls . The plans for Plot 6 have been amended during the course of the application with the dwelling having been reduced in size from a full two storey dwelling to a chalet style property. In addition the first floor terrace area has been removed and there are now no windows proposed in the flank elevation facing the rear gardens of properties in The Crosslands nor properties in Beech Close. Given the existing situation and the changes made to the proposals during the course of this application it is considered that any impact of Plot 6 on neighbouring amenity would be no greater than the existing situation.

Plot 5 would be immediately adjacent to Cherry Trees. The proposed property would be a chalet style property similar to Cherry Trees. Following the receipt of amended plans with a reduction in the overall height of this proposed dwelling and the removal of a potential terrace area, it is considered that it would not impact unduly on the neighbouring property.

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

#### The impact on the Effingham Conservation Area

The northern and western boundaries of the application site mark the boundary of the Effingham Conservation Area. The site itself does not lie within the Conservation Area. There is an existing locally listed wall that runs along the northern boundary of the site. The listing identifies that this was the old boundary wall from the site when the site formed part of the orchard/kitchen garden of the Effingham House Estate. The wall is to be retained. A condition relating to the retention of the wall is recommended to ensure it is permanently maintained and retained.

On the western boundary of the site which also forms the boundary of the Conservation Area is a mature Beech Hedge which then also runs along the southern boundary of the site. The Beech Hedge is to be retained with the existing access to the property infilled with beech hedging to match the existing. The new access to the development site will require a section of the hedge being removed on the southern boundary. The Beech Hedge is an important feature in the locality and is visually attractive. A condition to ensure the retention of the Beech Hedge is considered necessary and appropriate in this location.

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

#### Highway/parking considerations

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

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

The proposed development proposes 9 visitor spaces and the following car parking spaces for each of the proposed dwellings:

Plot 1	Two car parking spaces and two garage spaces
Plot 2	Two car parking spaces and one garage spaces
Plot 3	Two car parking spaces and one garage spaces
Plot 4	Two car parking spaces
Plot 5	Two car parking spaces
Plot 6	Two car parking spaces and two garage spaces

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

#### Impact on trees

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

The assessment states:

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

The Arboricultural Assessment recommends an Arboricultural Method Statement and a Tree Protection Plan. These can be secured through a pre commencement condition. In addition a landscaping condition is recommended to secure appropriate tree planting and an appropriate landscaping scheme to ensure the semi rural character of the area is retained.

#### Ecology

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

#### Sustainable Design and Construction

As set out in Policy D2 of the New Local Plan and the Council's Climate Change, Sustainable Design Construction and Energy SPD 2020, there is a requirement to achieve a 20 percent reduction in carbon emissions through the use of energy efficiency measures and low or zero carbon technologies and include water efficiency measures in line with building regulations. These measures can be secured by condition.

### Flooding

The site is within the Flood Zone 1 (defined as having a low probability of flooding). The site is not designated as a critical drainage problem area and the site is a minor application and therefore there is no requirement for a drainage scheme to be submitted with the application.

### Infrastructure requirements

Concerns have been raised regarding significant increase in demand for utilities and local infrastructure in Effingham. The proposal is of a minor scale where the Council is unable to seek financial contributions towards such infrastructure matters. Nevertheless, given the minor scale with a net increase of 5 dwellings it is considered unlikely that the development would put an unacceptable strain on local infrastructure.

### Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which means for decision-taking:

- “c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 7.34 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.

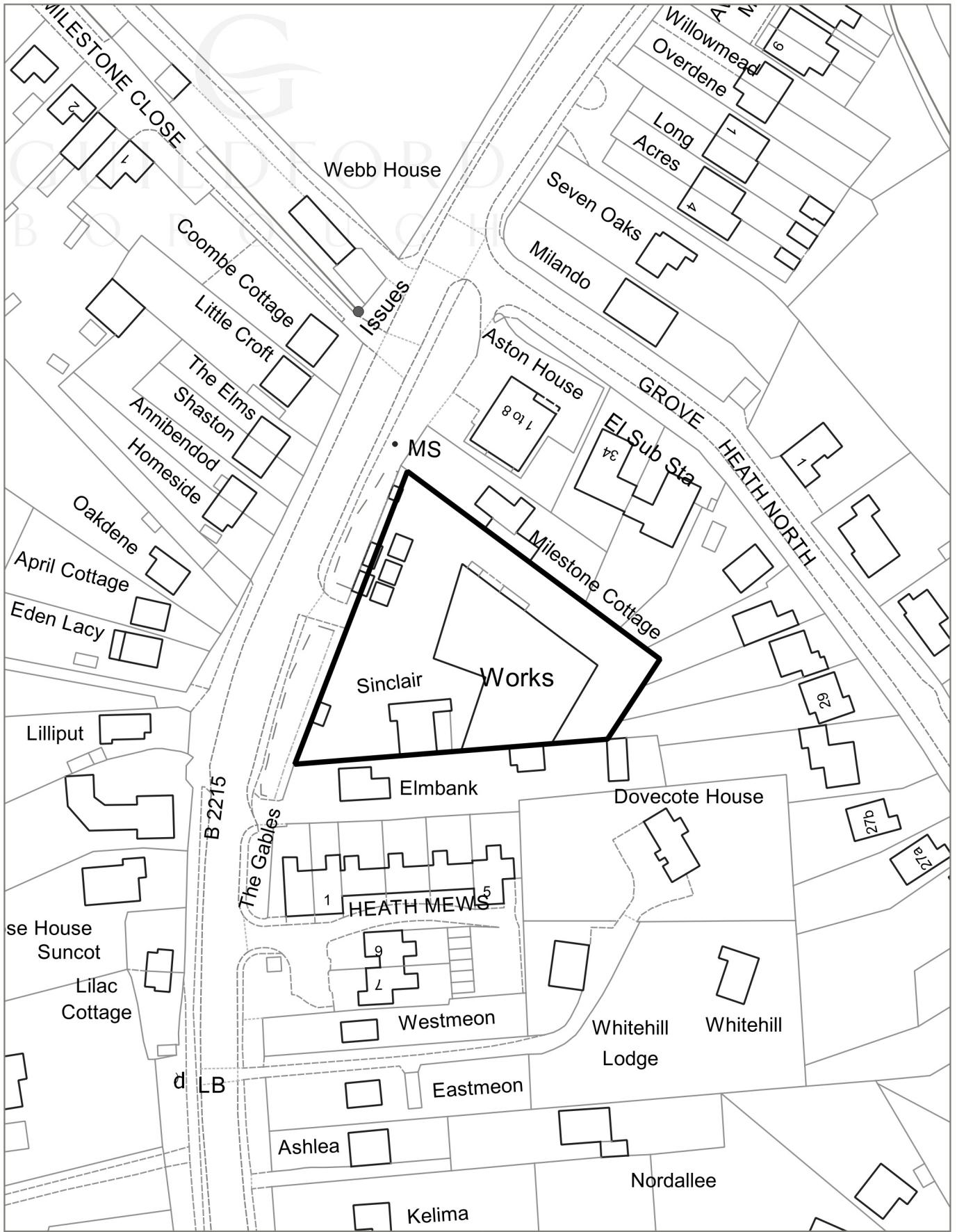
### **Conclusion.**

The principle of the proposed development is found to be acceptable and the proposal would deliver a net increase of five new homes. The proposal would not have a detrimental impact on the character and appearance of the site or surrounding area and would not cause a significant impact to neighbouring amenity. The proposal is also considered to be acceptable in terms of impact on protected species and sustainability.

The application is therefore recommended for approval.

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# 20/P/01569 - The Shed Factory, Portsmouth Road, Ripley, Woking



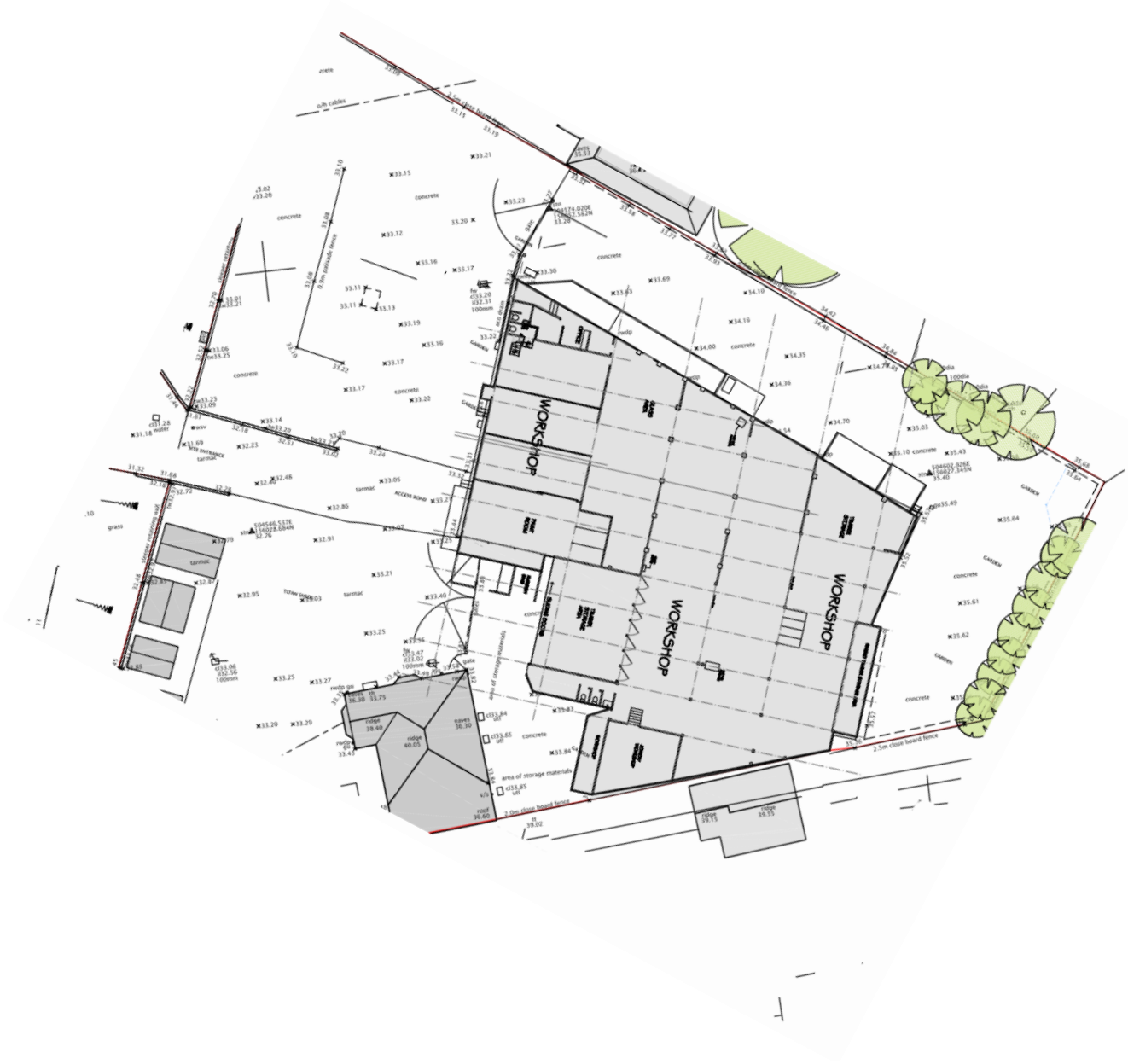
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Print Date: 15/03/2021



20/P/01569 – The Shed Factory, Portsmouth Road, Ripley, Woking



Not to scale



**App No:** 20/P/01569  
**Appn Type:** Full Application  
**Case Officer:** Katie Williams  
**Parish:** Ripley  
**Agent :** Mr A Bandosz  
D&M Planning Ltd  
1A High Street  
Godalming  
GU7 1AZ

**8 Wk Deadline:** 08/01/2021

**Ward:** Lovelace  
**Applicant:** .  
Challenge Fencing Ltd  
c/o D&M Planning Ltd  
1A High Street  
Godalming  
GU7 1AZ

**Location:** The Shed Factory, Portsmouth Road, Ripley, Woking, GU23 6EW  
**Proposal:** Change of use of the site from established garden shed business (Use Classes E (light industrial) and B8 (storage and distribution) with ancillary retail use (Use Class E)) to car sales business (sui generis) for the display of cars for sale.

### **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 proposal is for the change of use of the site from established garden shed business (Use Classes E (light industrial) and B8 (storage and distribution) with ancillary retail use (Use Class E)) to car sales business (sui generis) for the display of cars for sale.

- The existing single storey office and sales building would continue to be used as the sales and administration office for the car sales business.
- The manufacturing of the sheds and storage of materials within the main buildings would cease and this area would be used for the sale and preparation of cars for sale.

#### **Opening hours:**

Monday to Saturday: 09:00 - 17:30  
Sundays and Bank Holidays: 10:00 - 16:00

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

The proposed re-use of the site and existing building constitutes appropriate development in the Green Belt and complies with the exceptions set out in the Para 146 of the NPPF. The proposal would also continue to provide employment on the site, in line with Policy E3 of the 2019 Local Plan.

The proposal will not have a materially greater impact on openness or the character of the area when compared to the existing use.

Subject to conditions restricting the hours of use and the proposed activities to car sales and valeting as set out in the application, it is considered that there will not be a detrimental impact on neighbouring amenity.

The Highway Authority has concluded that the proposal would not have a material impact on the surrounding highway network.

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

### **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: TS-01-01-020 REV PF1, TS-02-02-030 REV PF2 (existing) and TS-08-04-101 REV PF2 received 17 September 2020 and TS-02-02-030 REV PF2 (proposed) received 24 September 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 use hereby permitted shall not operate other than between the hours of 09:00 to 17:30 Mondays to Saturdays (inclusive) and 10:00 to 16:00 on Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

4. The premises shall be used for car sales (including car valeting / cleaning) and for no other purpose (including any other purpose in Class E or B2 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.

#### **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.

## **Officer's Report**

### **Site description.**

The site is located within the Green Belt, outside of a Settlement Boundary. The site is also within the 400m to 5km buffer zone of the Thames Basin Heath SPA.

The site is approximately 0.34Ha, made up of a detached industrial building (currently used for manufacturing sheds), detached office building, external storage and car parking. The site is trapezoid in shape and slopes down considerably from the north east to the south west and all of the site is elevated from road level by approximately 2 metres. There is an existing steep vehicular access from the Portsmouth Road.

There are neighbouring residential properties to all sides of the application site and on the opposite side of Portsmouth Road.

### **Proposal.**

Change of use of the site from established garden shed business (Use Classes E (light industrial) and B8 (storage and distribution) with ancillary retail use (Use Class E)) to car sales business (sui generis) for the display of cars for sale.

- The existing single storey office and sales building would continue to be used as the sales and administration office for the car sales business.
- The manufacturing of the sheds and storage of materials within the main buildings would cease and this area would be used for the sale and preparation of cars for sale.

### **Opening hours:**

Monday to Saturday: 09:00 - 17:30

Sundays and Bank Holidays: 10:00 - 16:00

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
19/P/01126	Erection of 7 residential units, retention of commercial sales area in separate building for established garden shed business and associated development together with demolition of existing building and retention of some display sheds/outbuildings.	Pending	
18/P/01679	Planning application for the erection of 7 dwellings together with associated parking and landscaping. Retention of commercial sales area within separate building for established garden shed business following demolition of existing buildings and retention of display sheds.	Withdrawn 13/11/2018	N/A

**Consultations.**

Statutory consultees

County Highway Authority:

- The CHA 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 CHA therefore has no highway requirements.
- There is no proposed change to the access or parking arrangement within the development. The site is unlikely to result in a significant increase in traffic compared with the existing use.
- The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Internal consultees

Head of Environmental Health and Licensing:

- No concerns if it is operated as an open show area with no noisy activities

Ripley Parish Council

- supports the application.
- will maintain a number of employment opportunities for local residents

**Third party comments:**

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

- will attract more traffic than the current shed factory use
- increase in traffic and congestion on Portsmouth Road
- increase in noise levels from deliveries
- opening times including weekends is unacceptable Will have an adverse effect on residents.
- highway safety, access is on a bend
- loss of privacy to properties on opposite side of the road
- out of keeping with rural character of Ripley
- air pollution from additional vehicles parking close to the boundary
- impact on wildlife

**Planning policies.**

National Planning Policy Framework (NPPF):

- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

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

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

- P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
- P2: Green Belt
- E3: Maintaining employment capacity and improving employment floorspace
- D1: Place shaping.
- ID3: Sustainable transport for new developments.

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

- G1 General Standards of Development
- G5 Design Code

Supplementary planning documents:

GBC Vehicle Parking Standards, 2006.

Lovelace Neighbourhood Plan

The Lovelace Neighbourhood Plan has been through examination by an Inspector who has made recommendations. It therefore currently carries moderate weight.

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the Green Belt and character of the area
- the impact on neighbouring amenity
- highway/parking considerations

#### The principle of development

The application site has been used for the manufacturing and sales of sheds for several years and therefore whilst it is not a designated employment site within the 2019 Local Plan, it has an established commercial / employment use, comprising of a mix of Use Classes E (light industrial and ancillary retail) and B8 (storage and distribution).

The proposal is to be assessed on the basis of the change of use from E / B8 use (shed factory) to sui generis (car showroom).

#### *Green belt:*

Paragraph 146 of the NPPF allows for the re-use of buildings provided that the buildings are of a permanent and substantial construction and that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Policy P2 of the new Local Plan supports the re-use of rural buildings providing the proposal is in accordance with Para 146 of the NPPF.

#### *Employment:*

Para 83(a) of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings and enable the development and diversification of agricultural and other land-based rural businesses.

Policy E3 of the 2019 Local Plan states that outside the designated employment sites, employment floorspace will be protected in line with the latest needs assessment and the loss will be resisted unless the site is allocated for an alternative use within the Local Plan. Whilst the proposed use does not fall within an employment use, the use would provide a similar level of employment for sales staff and for the cleaning and preparation of cars for sale compared to the current use of the site. Furthermore, the current occupier of the site is moving to alternative premises in the area so this business would not be lost as a result of the proposed change of use. It is therefore considered the proposed change of use would not result in a loss of employment and therefore complies with Policy E3 of the 2019 Local Plan.

The development is therefore acceptable in principle subject to compliance with the abovementioned criteria.

### The impact on the Green Belt

The site sits within a semi-rural residential area within the Green Belt, with residential dwellings neighbouring the site on all sides.

The workshop buildings on the application site have been used for manufacturing sheds for several years and are of a substantial, sound and permanent construction. The proposal would not result in any external alterations to the buildings or areas of hardsurfacing which are currently used for parking and for displaying sheds.

All car valeting activities would be within the building and no external changes are proposed. The existing areas of hardstanding to the front of the site and adjacent to the buildings would remain and would be used for the display of cars for sale and parking for visitors and staff, in place of the existing use of this area for the display of sheds and staff and visitor parking.

It is considered that the proposed use would not significantly alter the appearance of the site from the existing use. The floor area of the existing workshop building has been stated as 939 square metres (approx), This will be used for the preparation of cars for sale and for the display of cars. Cars for sale will also be displayed on the existing hardstanding outside the building.

Due to the nature of the proposed use, it is not considered that the intensity of activity, including vehicle movements, will be significantly greater when compared with the established use of the site. As such, it is not considered that the change of use would adversely impact on the openness of the Green Belt. The application therefore constitutes appropriate Green Belt development and complies with paragraph 146 of the NPPF.

The development is therefore considered to comply with saved policy P2 of the new Local Plan and Para 146 of the NPPF.

### Character of the area

The application site is located within a semi-rural area, largely surrounded by residential dwellings. It has an established commercial use.

As noted above, the proposal would not result in any external changes to the existing workshop buildings and would not significantly alter the appearance of the site from the existing use. Due to the nature of the proposed use, it is not considered that the intensity of activity, including vehicle movements, will be significantly greater when compared with the established use of the site.

It is therefore concluded that the proposed change of use would adversely impact on the semi-rural character of the area, in accordance with Policy D1 of the 2019 Local Plan.

### The impact on neighbouring amenity

There are several residential properties neighbouring the application site. The closest properties are Milestone Cottage to the north of the site, Elmbank which adjoins the southern boundary and properties which sit on the opposite side of Portsmouth Road, opposite the access to the site.

Concerns have been raised by neighbouring residents, particularly with regard to an increase in the level of activity associated with the proposed use and a subsequent loss of privacy and increased noise and disturbance to neighbouring properties.

It is important to note that the site currently has an established E / B8 use and could therefore be used for alternative commercial uses which fall within these use classes without requiring planning permission. Furthermore, there are currently no conditions restricting the hours of use of the site.

The proposed use of the site for car sales would not significantly increase the level of activity compared to the existing use. Furthermore, it is considered that the use of the buildings for car valeting / preparation for sale would not generate more noise compared to the existing use of the building(s) for assembling sheds. The application states the use will operate between the hours of 09:00 to 17:30 Monday to Saturday and 10:00 to 16:00 on Sundays/ Bank Holidays. These hours are not considered unreasonable and a condition is recommended restricting the hours of use to be as specified.

The Environmental Health Officer has no concerns regarding the application providing the site is used as an open show area with no noisy activities as is proposed. A condition is recommended restricting the use of the site to car sales and valeting only, to ensure noisy activities cannot be carried out.

The hardsurfaced area which will be used for the display of cars for sale does extend to the boundaries of the neighbouring properties either side. However, this area can currently be used for car parking or display of sheds and it is not considered that the proposed use will have materially greater impact on neighbouring amenity in terms of noise and disturbance or pollution compared to the existing use.

Subject to the conditions regarding the hours of use and restricting the use of the premises to be as stated on the application, it is concluded that the proposal will not have a detrimental impact on neighbouring amenity, in terms of noise and disturbance, pollution or loss of privacy. The proposal therefore accords with Policy G1(3) of the saved Local Plan.

#### Highway/parking considerations

Paragraph 32 of the NPPF notes that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

The existing vehicular access to the site from Portsmouth Road will remain unchanged. Whilst the proposed use would include deliveries of vehicles to the site this is not dissimilar to the current use which includes deliveries of materials to the site associated with the existing manufacturing use.

The County Highway Authority has confirmed it has no objection to the application. There is no proposed change to the access or parking arrangement within the development. The site is unlikely to result in a significant increase in traffic, including deliveries, compared with the existing use. The CHA therefore considers that the proposal is unlikely to have a material impact on highway safety issues.

It is therefore concluded that the application complies with policy ID3 of the 2019 Local Plan.



**Conclusion.**

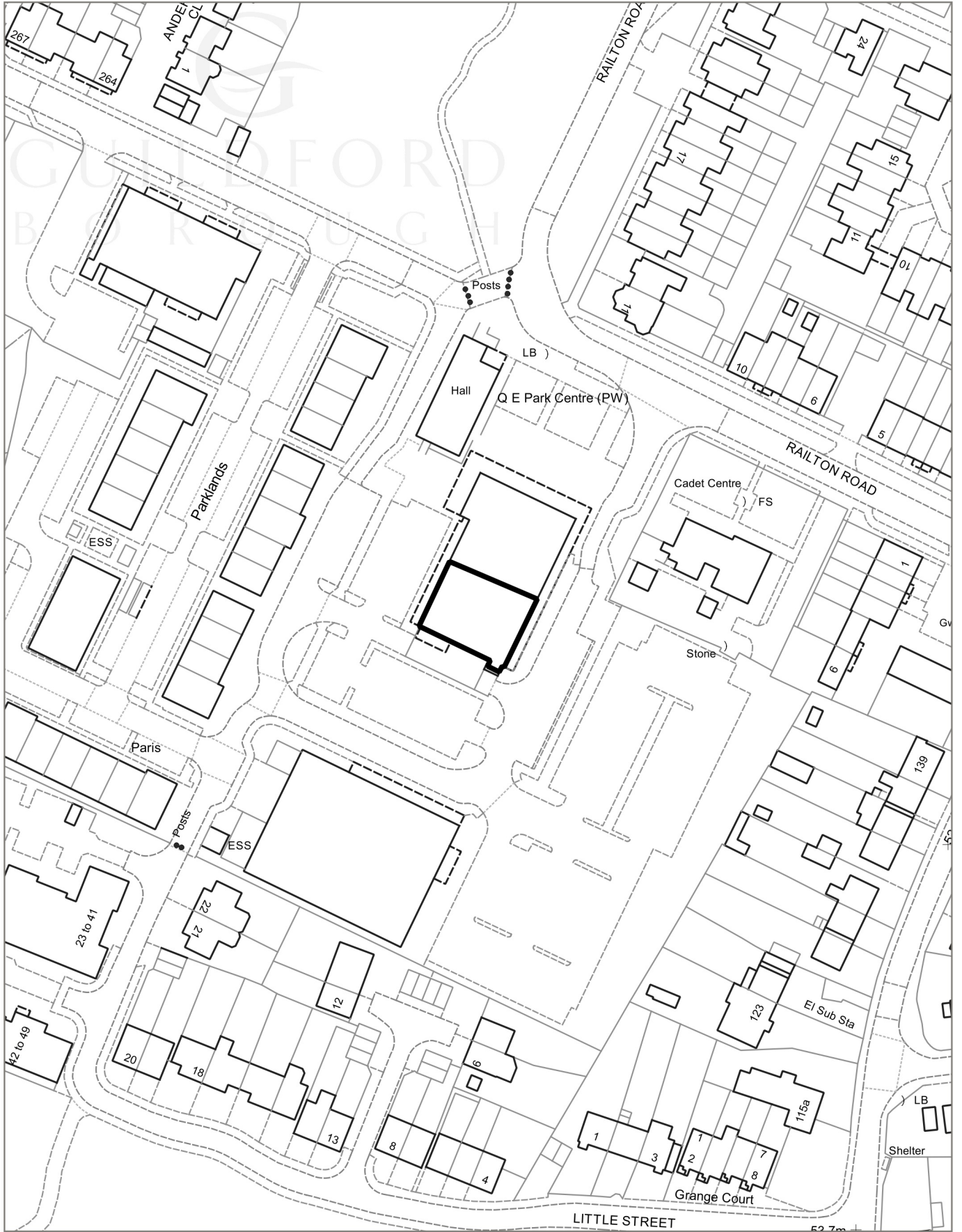
In conclusion the growth and expansion of all types of business and enterprise in rural areas is supported by national policy within the NPPF. It is appropriate development in the Green Belt and complies with the exceptions set out in the Para 146 of the NPPF. The proposal would also continue to provide employment on the site, in line with Policy E3 of the 2019 Local Plan.

The proposal will not have a materially greater impact on openness or the character of the area when compared to the existing use. Subject to conditions restricting the hours of use and the proposed activities to those set out in the application, it is considered that there will not be a detrimental impact on neighbouring amenity. The Highway Authority has concluded that the proposal would not have a material impact on the surrounding highway network.

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

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# 20/P/01756 - Food Store, Railton Road, Guildford



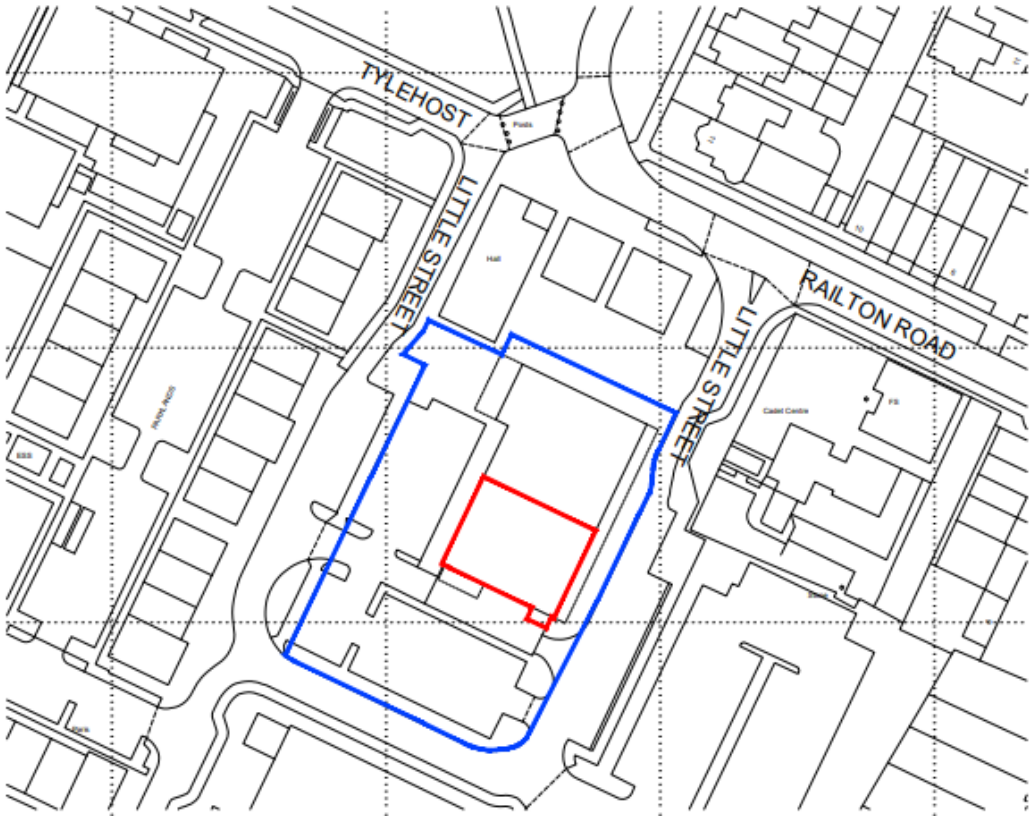
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Print Date: 15/03/2021



20/P/01756 – Food Store, Railton Road, Guildford



**App No:** 20/P/01756 **8 Wk Deadline:** 21/01/2021  
**Appn Type:** Full Application  
**Case Officer:** Chris Gent  
**Parish:** Stoughton **Ward:** Stoughton  
**Agent :** Mr Botten **Applicant:** Tesco Stores  
ROK Planning  
16 Upper Woburn Place  
London  
WC1H0AF  
CO Agent

**Location:** Food Store, Railton Road, Guildford, GU2 9JX  
**Proposal:** Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours.

### **Executive Summary**

#### **Reason for referral**

This application has been called to committee by Councillor Pauline Searle on the grounds that the proposal may result in an adverse impact on neighbour amenity, contrary to Policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007).

#### **Key information**

Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours

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

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

The applicant proposes the following alternative wording for Condition 37:

*The hours of operation of units within the commercial core application hereby approved are as follows:-*

*Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week*

*Childrens' Nursery - 7.00 am - 7.00 pm seven days a week*

*A1 Retail unit - 6.00 am - 11.00 pm seven days a week*

The main planning consideration is the effect the variation of the condition would have on neighbour amenity.

The closest residential properties are located approximately 45metres away from the site. The Council's Environmental Health Officer has raised no objection to the extension of trading hours however, concerns have been raised to whether the increase in hours would be accompanied by earlier and later deliveries, traffic movements/unloadings and the potential noise impact this could have on nearby residents. Whilst it was originally proposed that deliveries would take place within

the stores extended opening times, following discussions with the applicant, it has now been agreed that a condition be attached to restrict the delivery hours to between 07:00am to 10:00pm. Subject to this condition, the Environmental Health Officer raises no objection.

Given the above, it is considered that the proposed increase in opening hours would not have a detrimental impact on the amenity of neighbouring occupiers.

The changes to Condition 37 of 02/P/01632 would not cause harm to residential amenity and therefore the application is recommended for approval.

It should be noted that planning officers have reviewed the original conditions under planning application 02/P/01632 and have only applied the relevant conditions that meet the statutory test.

**RECOMMENDATION:**

**Subject to a Deed of Variation to link the obligations secured through application 02/P/01632 to this application, the decision is to:**

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

1. The development hereby approved shall only be carried out in accordance with the external materials approved through the discharge of condition 2 of planning application 02/P/01632.

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

2. The development hereby approved shall only be carried out in accordance with the boundary treatment details approved through the discharge of condition 3 of planning application 02/P/01632.

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

3. The development hereby approved shall only be carried out in accordance with the external lighting details approved through the discharge of condition 4 of planning application 02/P/01632.

Reason: In the interests of visual amenity.

4. No new development shall be occupied until space has been laid out within the site in accordance with drawing No. 101 Revision H for cars to be parked in accordance with the following schedule :

		Car Parking Spaces
Offices	112	
Foodstore	48	
Health and Fitness Centre	120	
Mixed Use Building	24	

The parking areas shall be used and retained exclusively for its designated use.

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

5. The development hereby approved shall only be carried out in accordance with the flue details approved through the discharge of condition 24 of planning application 02/P/01632.

Reason: To protect adjoining premises and the area generally from noise and disturbance.

6. The development hereby approved shall only be carried out in accordance with the ventilation and filtration equipment details approved through the discharge of condition 25 of planning application 02/P/01632.

Reason: To protect neighbouring properties and the area generally from odours.

7. The development hereby approved shall only be carried out in accordance with the site drainage system details approved through the discharge of condition 26 of planning application 02/P/01632.

Reason: To prevent pollution of the water environment.

8. The development hereby approved shall only be carried out in accordance with the surface water source control measures details approved through the discharge of condition 27 of planning application 02/P/01632.

Reason: To prevent the increased risk of flooding and to improve water quality.

9. The development hereby approved shall only be carried out in accordance with the arboricultural method statement details approved through the discharge of condition 29 of planning application 02/P/01632.

Reason: To ensure that the tree cover is properly managed and maintained to an agreed overall strategy.

10. The development hereby approved shall only be carried out in accordance with the bin stores details approved through the discharge of condition 31 of planning application 02/P/01632.

Reason: In the interest of visual amenity.

11. The development hereby approved shall only be carried out in accordance with the roof materials details approved through the discharge of condition 32 of planning application 02/P/01632.

Reason: In the interest of visual amenity.

12. The development hereby approved shall only be carried out in accordance with the demarcation of the car parking area to the Health and Fitness Centre details approved through the discharge of condition 33 of planning application 02/P/01632.

Reason: To ensure that the approved number of car parking spaces is not exceeded on the site.

13. The development hereby approved shall only be carried out in accordance with the details of the front elevation of the Food Store approved through the discharge of condition 34 of planning application 02/P/01632.

Reason: To achieve a satisfactory appearance to the building.

14. The development hereby approved shall only be carried out in accordance with the details of the surfacing materials and street furniture to the Town Square area approved through the discharge of condition 35 of planning application 02/P/01632.

Reason: To ensure that a satisfactory public amenity is achieved.

15. This permission grants Planning Approval for not more than the gross floor areas of the range of commercial and community uses set out on page 1 of the applicants' supporting statement (received 26/07/02) as amended by plans received 12/11/02.

Reason: To accord with the terms of the application and to control the development of this site.

16. The hours of operation of units within the commercial core application hereby approved are as follows:-

Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week  
Childrens' Nursery - 7.00 am - 7.00 pm seven days a week  
A1 Retail unit - 6.00 am - 11.00 pm seven days a week

Reason: To safeguard the residential amenities of neighbouring properties.

17. No deliveries shall be taken at or dispatched from the site except between the hours of 7.00 am - 10.00 pm.

Reason: To safeguard the residential amenities of neighbouring properties.



**Informatives:**

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

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

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

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

**Officer's Report**

**Site description**

The application site is located inside the Guildford urban area and lies within the Queen Elizabeth Park residential-led development. The site is an existing vacant retail unit within a freestanding building and includes a secure store and parking area. The unit was formally in use as a supermarket.

**Proposal**

Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

**Relevant planning history**

20/P/01655 - Installation of an ATM and bollards (Officer note: This application is currently under consideration)

20/P/01656 - Proposed additional entrance within existing shop front. Approved with conditions - 23/11/2020.

20/P/01772 - Installation of CO2 gas cooler plant, 3 air conditioning units and Armco barriers. Approved with conditions - 03/12/2020.

20/P/01723 - Advertisement consent for the display of three internally illuminated fascia signs, one internally illuminated projecting sign, four graphics signs and six other signs. Approved with conditions - 27/11/2020.

02/P/01632 - Local centre comprising: Childrens' nursery, A1 foodstore, D2 Health & Fitness Centre, mixed use building (to now include the provision for the whole building to be used for the purpose of a doctors surgery within Use Class D1), B1 employment & associated car parking, together with alterations to access arrangements (including the deletion of the Bus only route) from outline planning permission 01/P/0881 dated 30/10/01. Amended plans received 24/09/2002 08/10/2002, 28/10/2002 and 12/11/02). Approved with conditions - 29/11/2002.

### **Consultations**

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 Officer - raised initial concerns with regards to delivery hours and potential noise impact on nearby residents. The applicant has subsequently agreed to a condition for restricting deliveries to between 7am to 10pm. Subject to this condition, no objections are raised.

### **Third party comments:**

14 letters have been received raising the following objections and concerns:

- concerns regarding noise nuisance
- concerns regarding anti-social behaviour
- parking/traffic issues
- littering

8 letters have been received supporting the proposal

### **Planning policies**

The following policies are relevant to the determination of this application

#### **National Planning Policy Framework (NPPF) (as revised 24 July 2018)**

Chapter 12. Achieving well-designed places

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

Policy G1

Policy G5

### **Planning Considerations**

The main planning considerations in this case are:

- impact of the development on neighbour amenity

The application is submitted under S.73 of the Town and Country Planning Act to vary condition 37 of planning permission 02/P/01632. The S.73 application will only consider the effect of the variation of the condition and will not reconsider the principal of the development.

Impact of the development on neighbour amenity

Condition 37 of 02/P/01632 states the following:

*The hours of operation of units within the commercial core application hereby approved are as follows:-*

*Health and Fitness Centre - 7.00 am - 11.00 pm seven days a week*

*Childrens' Nursery - 7.00 am - 7.00 pm seven days a week*

*A1 Retail Unit - 7.00 am - 10.00 pm Mondays to Saturdays and 10.00 am - 6.00 pm Sundays.*

Reason: *To ensure that the residential amenities of nearby properties are protected.*

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

The applicant proposes the following alternative wording for Condition 37:

*The hours of operation of units within the commercial core application hereby approved are as follows:-*

*Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week*

*Childrens' Nursery - 7.00 am - 7.00 pm seven days a week*

*A1 Retail unit - 6.00 am - 11.00 pm seven days a week*

(A previous S.73 application was also submitted in 2005 under (05/P/00793) which varied hours for the nearby health and fitness centre. It is worth noting here that the health and fitness centre can already open at 06:30am seven days a week. These changes will also be carried forward as part of this S.73 application).

The only change to be assessed as part of the current application is the effect of extending the retail unit opening time from 07:00am to 06:00am in the morning and the increase in hours from 10:00pm to 11:00pm in the evening.

It is noted that the proposal also includes the extending of the Sunday opening times from 10.00am to 06:00am in the morning and from 6:00pm to 11:00pm in the evening. Whilst these are long hours, it should be noted that Sunday trading hours are covered by separate legislation so it would not be appropriate to use planning control to limit the Sunday hours in a more restrictive way to other days of the week.

The main planning consideration is the effect the variation of the condition would have on neighbour amenity.

The closest residential properties are located approximately 45metres away from the site. The Council's Environmental Health Officer has raised no objection to the extension of trading hours however, concerns have been raised to whether the increase in hours would be accompanied by earlier and later deliveries, traffic movements/unloadings and the potential noise impact this could have on nearby residents. Whilst it was originally proposed that deliveries would take place within the stores extended opening times, following discussions with the applicant, it has now been agreed that a condition be attached to restrict the delivery hours to between 07:00am to 10:00pm.

Subject to this condition, the Environmental Health Officer raises no objection.

As mentioned above, the Environmental Health Officer has not objected to the later opening. On this note, whilst concerns have been raised by residents with regards to anti-social behaviour, this is a matter for the police.

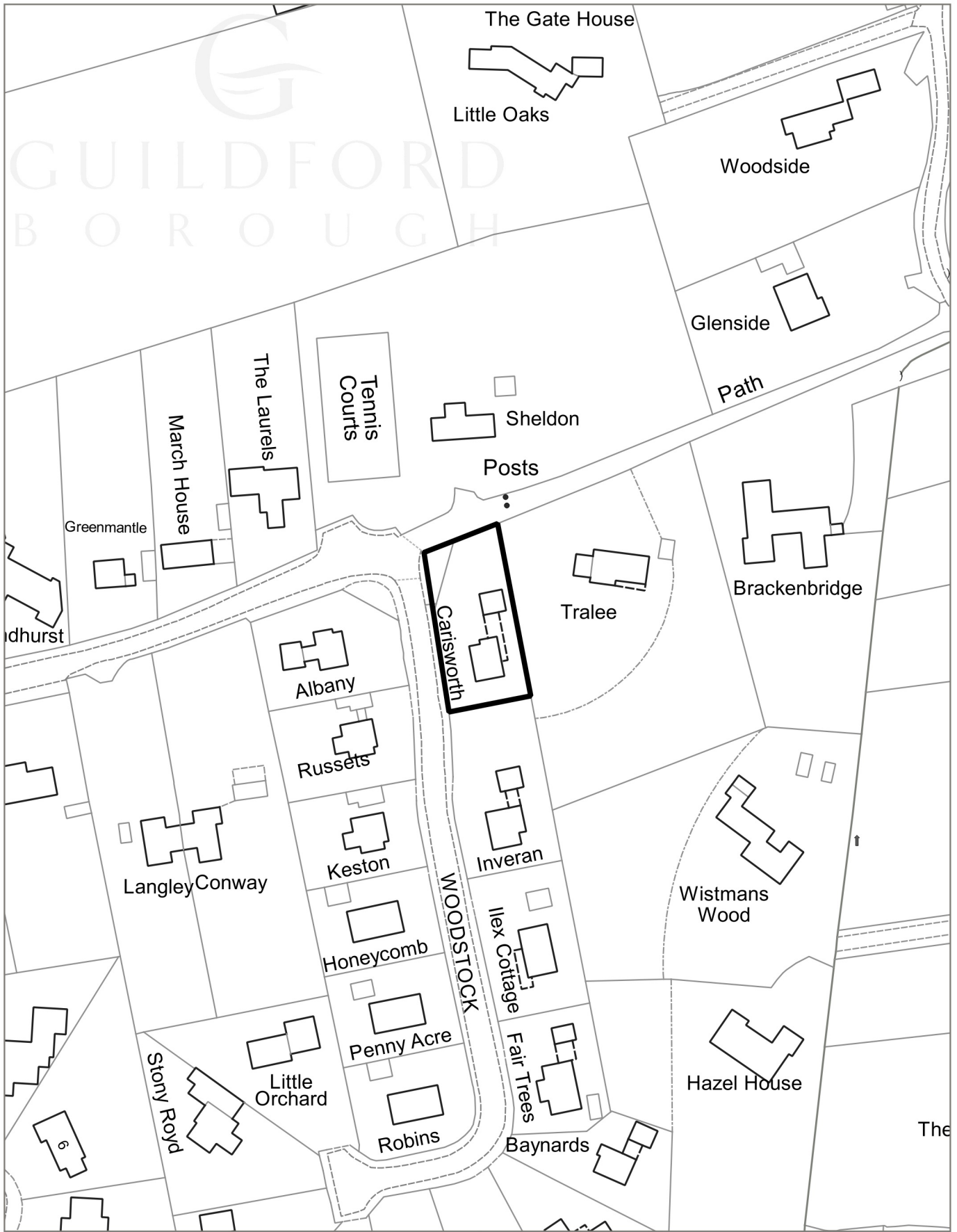
Given the above, it is considered that the proposed increase in opening hours would not have a detrimental impact on the amenity of neighbouring occupiers.

### Conclusion

The changes to Condition 37 of 02/P/01632 would not cause harm to residential amenity and therefore the application is recommended for approval.

It should be noted that planning officers have reviewed the original conditions under planning application 02/P/01632 and have only applied the relevant conditions that meet the statutory test.

# 21/P/00068 - Carisworth, Woodstock, West Clandon, Guildford



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Print Date: 18/03/2021



21/P/00068 – Carisworth, Woodstock, West Clandon



Not to scale

**App No:** 21/P/00068  
**Appn Type:** Full Application  
**Case Officer:** Sakina Khanbhai  
**Parish:** West Clandon  
**Agent :**

**8 Wk Deadline:** 24/03/2021

**Ward:** Clandon & Horsley  
**Applicant:** Mr Hopgood  
Vine Cottage  
Ricksons Lane  
West Horsley  
Leatherhead  
KT24 6HU

**Location:** Carisworth, Woodstock, West Clandon, Guildford, GU4 7UJ  
**Proposal:** Refurbish covered way roof and construct walls to enclose area including changes to fenestration.

### **Executive Summary**

#### **Reason for referral**

This item has been referred to Planning Committee by the Council's Planning Development Manager because the application has been submitted on behalf of a member of staff.

#### **Key information**

Refurbish covered way roof and construct walls to enclose area including changes to fenestration.

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

The proposal is for enclosing an existing area which provides a covered roof linking the garage to the side elevation of the main dwellinghouse. The proposal does not result in any increase to the existing footprint of the dwellinghouse due to the infill nature of the proposed development. There would be no increase in size, bulk or massing other than the construction of external walls and fenestration changes to create a more formalised single storey link between the garage and dwellinghouse . Therefore, the proposal would represent appropriate development in the Green Belt.

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

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

As such, the proposed development is recommended for approval.

### **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 01, 11, 12, 13, 14, 31, 32, 33, 02, 03 and 22 received on 18/01/21 and 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.

3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

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

#### **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. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)



## **Officer's Report**

### **Site description.**

The application site relates to a detached dwelling located within a cul-de-sac of residential properties. The site lies in the Green Belt and the Identified Settlement Boundary of West Clandon.

The surrounding area is residential; consisting of detached properties of varying scale, design and character situated on medium sized plots.

### **Proposal.**

Refurbish covered way roof and construct walls to enclose area including changes to fenestration.

### **Relevant planning history.**

GU/R 7735 Erection of detached dwelling with private garage - Approved 09/06/59

94/P/00162 Erection of two storey rear extension - Approved 22/03/94

### **Consultations.**

West Clandon Parish Council: No comment received.

### **Third party comments:**

None received.

### **Planning policies.**

#### National Planning Policy Framework 2019 (NPPF):

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

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

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).

P2            Green Belt  
D1            Place shaping

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

G1            General Standards of Development  
G5            Design Code

Supplementary planning documents:

Residential Extensions and Alterations SPD 2018

**Planning considerations.**

The main planning considerations in this case are:

- the impact on the green belt
- the impact on the scale and character of the existing dwelling and the surrounding area
- the impact on neighbouring amenity

The impact on the green belt

The site is located within the Green Belt. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 confirms that Green Belt policy will be applied in line with the NPPF. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 145. Extensions to buildings are referred to, provided they would not result in a disproportionate enlargement to the original building. The test of whether there would be a disproportionate enlargement is not an openness test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floor space uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.

The proposed development does not result in any increase in footprint and there would be no three dimensional increases in height, width, depth and building shape. The proposal would introduce solid brick walls to enclose the current open-sided roof way only. The proposed solid brick built single storey link between the existing dwellinghouse and garage would not result in any enlargements to the size of the dwellinghouse. The proposed development is of minor scale and would not result in a disproportionate addition to the original building.

The proposal is found to represent an appropriate development in the Green Belt and accord with policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 145 of the NPPF.

The impact of the development on the character of the area and scale and character of the existing building

The application site lies within a residential area, being located within a cul-de-sac of residential properties.

The proposed development is subordinate in scale and the overall design would be in keeping with the existing character and appearance of the dwellinghouse. The development would not have a significant material impact on the street scene nor would it detract from the character of the area.

There are no objections to the proposed external fenestration changes to the property.

As such, the overall development would comply with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007) and the NPPF 2019.

The impact on neighbouring amenity

The application site is bounded by two residential properties, Inveran to the side (south) boundary and Tralee to the rear (north-east).

Both neighbouring properties are set off and away from the shared boundaries with separation distances in excess of 21metres.

By virtue of the minor scale of development, positioning, boundary treatment and relationship to those neighbouring properties, the development will not have an unacceptable impact on the amenities enjoyed by the occupants of either neighbouring or surrounding properties, in terms of overbearing impact, privacy and access to sunlight and daylight.

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

**Conclusion.**

The proposal would have no impact on the amenities of the Green Belt. The proposed works would be acceptable in scale and design and would not result in a detrimental impact on residential amenities of the neighbouring properties. For these reasons, the application is acceptable and is therefore recommended for approval.

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**Planning Committee**

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

1.	<p><b>Crownhall Estates Ltd</b>  <b>Land off of Send Hill, Send, Woking, GU23 7HR</b></p> <p><b>19/P/00721</b> – The development proposed, as described on the planning application form, is the erection of 9 no. residential dwellings with the associated vehicular and pedestrian access via Send Hill, car parking, secure cycle storage and landscaping on land off Send Hill, Send.</p> <p>Planning Committee: 8 January 2020          Officers recommendation: To Approve          Committee Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The appellant has provided a legal undertaking to address the impact of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA), so the Council is no longer pursuing the third reason for refusal. The main issue for this appeal is therefore the effect of the proposed development on the character and appearance of the area.</li> <li>• The appeal site is about halfway along Send Hill between the junction with the A247 Send Road, where the main focus of the village is, and Winds Ridge, to the south of which Send Hill becomes increasingly rural.</li> <li>• The density of the proposed development would be higher than existing.</li> <li>• The proposed houses would be separated by parking spaces and/or gardens creating a wider gap between them than between many houses.</li> <li>• Although in views from the mouth of the public footpath and in glimpsed views along Send Hill the proposed buildings may appear to merge. I do not find this to be significantly different to the overall character of Send Hill. I find that, in principle, the mix of two houses addressing, but set back from, Send Hill with others arranged around an access leading off it, would not appear out of character.</li> <li>• The proposed scale, form, design, and materials would not be out of character with other buildings on Send Hill. The Council have confirmed that two, three- and four-bedroom houses would be an acceptable mix for local needs.</li> <li>• The assessment of the Site ETH_086 indicates that partial development could retain and potentially improve amenity value. The appeal proposal would occupy only part of Site ETH_086. The substantial trees and hedges on the boundaries would not be affected and would remain as a corridor of biodiversity value as well as providing a backdrop to the proposed houses. Open space would be provided.</li> </ul>	<p><b>*ALLOWED</b></p>
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	<ul style="list-style-type: none"> <li>• I consider that some degree of green openness would be preserved as well as openness along the proposed shared access, which could be sensitively surfaced.</li> <li>• I conclude that the proposed development, although it would mean the loss of open grassland, would not significantly contradict the principles of Site ETH_068 and in due course would add mature trees and hedges aiding the green and rural character of the Send Hill Character Area E as described in the NP. It would not be so detrimental to visual amenity as to justify refusal.</li> <li>• I conclude that the effect of the proposal on the character and appearance of the area would not be harmful to planning policy terms. I find no significant conflict with policies D1 and ID4(8) of the LP, Policy G5 of the 2003 LP, policies Send 1 and Send 4 of the NP or those principles of the Framework that seek to protect open space and to ensure developments respect the character of the local area.</li> <li>• I have found that the proposal would not be harmful to the area and would not set a precedent for proposals that were harmful.</li> <li>• I conclude that the appeal should be allowed.</li> </ul>	
<p>2.</p>	<p><b>Mr D Fernie of Bryden Homes Ltd</b>  <b>Buren, Surrey Gardens, Effingham Junction, Leatherhead, KT24 5HF</b></p> <p><b>19/P/02222</b> – The development proposed is erection of one 3-bedroom house and detached car port and workshop.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The footprint of the proposed dwelling would be generally similar to those of the surrounding properties and, whilst the proposed dwelling would extend across the majority of the width of the plot, this would not be uncharacteristic.</li> <li>• The layout, siting and design of the proposed dwelling would ensure that the proposal reflects the overall grain of surrounding development and would therefore, not represent a cramped or overly contrived form of development.</li> <li>• The proposed development would not harm the character or appearance of the area, and in this respect accords with policy G5 of the GBLP, Policy D1 of the LP, Policy EH-H8(c) of the EHNP and Paragraph 127 of the National Planning Policy Framework (the Framework).</li> <li>• In terms of the impact upon the host property, the proposed dwelling would be orientated in such a way as to ensure any views towards the property are at an angle, thereby minimising any direct overlooking. Furthermore, the only window proposed in the side elevation is on the ground floor and would be screened from view by existing and proposed boundary treatment.</li> <li>• The proposed dwelling would lie to the south of Croftdown and would be located in close proximity to the shared boundary. Due to its location and height, the proposed dwelling would be a prominent form of development that would be visible from within the garden of Croftdown.</li> <li>• Furthermore, the side elevation would include a bedroom window that would face directly onto the rear garden of Croftdown. As a result, part of the garden of Croftdown, would be directly overlooked from the proposed dwelling. Moreover, due to the position, size, and bulk of the proposed</li> </ul>	<p><b>DISMISSED</b></p>



	<ul style="list-style-type: none"> <li>• The Council were correct to put forward figures relating to the bungalow of timber and asbestos construction which was present on site prior to 1977, as the 'original building'. The figure referred to in the 1995 planning permission related to a different (later) building, not to the original building as per Policy P2 of the Local Plan. I find that the Council's approach was reasonable.</li> <li>• I am satisfied that the Council acted in a reasonable manner. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated.</li> </ul>	
<p>4.</p>	<p><b>Mr and Mrs Christian</b>  <b>The Lodge at Barn End, The Street, West Clandon, GU4 7TG</b></p> <p><b>Appeal A</b>  <b>20/P/01166</b> – The development proposed is erection of rear extension to provide a second bedroom with en-suite shower room.</p> <p>Planning Committee: 7 October 2020  Officers recommendation: To Approve  Committee Decision: To Refuse</p> <p><b>Appeal B</b>  <b>20/P/02064</b> – The development proposed is erection of rear extension to provide a second bedroom with en-suite shower room.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• Both Appeals A and B propose a single-storey ground floor extension. They differ only in that Appeal B is reduced in size. I have dealt with both schemes together.</li> <li>• The Lodge is a modestly sized, single-storey outbuilding within a domestic garden. The proposed extension in both Appeal A and Appeal B would be single storey with an overall height of 3.3 metres. In Appeal A, it would be nearly 10 metres long and a little longer than the original building. In Appeal B it would be a little shorter and narrower but a similar length to the existing building.</li> <li>• Based on the appellant's figures, the proposed extension in Appeal A would add approximately 33 sqm and in Appeal B, 25smq. These would increase the floorspace of the building by approximately 62% and 47% respectively.</li> <li>• Based on the Council's calculations, this would be approximately 60% and 46%. In both appeals, this increase would be significant, with the existing buildings floorspace increased by almost half in Appeal B and more than half in Appeal A.</li> <li>• In both appeals, the proposals would at least double the length of the existing building. Despite the modest height, the additional volume and bulk of the proposed extensions, taken in combination with the increased floorspace and length of the building, would amount to a disproportionate addition to the original building. The proposals would therefore not meet the exception set out in paragraph 145(c).</li> <li>• As such, the proposed extension in both Appeals A and B would be inappropriate development in the Green Belt. Such development would be, by definition, harmful and would be contrary to the Framework and Policy P2 of the Guildford Borough Local Plan: strategy and sites 2019 (Local Plan).</li> </ul>	<p><b>DISMISSED</b></p> <p><b>DISMISSED</b></p>



	<ul style="list-style-type: none"> <li>• The appeal proposals would result in a small loss of openness thereby causing limited harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework.</li> <li>• I conclude that both Appeals A and B should be dismissed.</li> </ul>	
<p>5.</p>	<p><b>Mr White</b>  <b>Land at Burpham Cottage, Clay Lane, Jacobs Well, GU4 7NZ</b></p> <p><b>20/P/00443</b> – The development proposed is the erection of a single detached dwelling together with alterations to parking and vehicular access arrangements.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The appeal site is located on the edge of Jacobs Well, identified as an ‘inset’ village which is not washed over by the Green Belt. The appeal site, due to its location outside the main settlement area and on the outskirts of the village, falls within the Green Belt.</li> <li>• In order to be infilling, to my mind a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development. The appeal site would not be predominantly surrounded by development with only the host dwelling and the coach depot adjoining it. With development to just one side, the proposed development would not fill a gap or space between buildings or structures.</li> <li>• The proposed development would result in a denser form of development along Clay Lane which would be out of keeping with the more spacious pattern of development characteristic of the village edges. For these reasons, the proposed development, would not represent limited infilling within a village.</li> <li>• I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with both Policy P2 of the Local Plan and national policy to protect Green Belt. I attach substantial weight to this harm.</li> <li>• The submitted drawings show the layout of the proposal would have a frontage to Clay Lane, therefore extending the built form along the road. With a separate dwelling, additional hardstanding for car parking and new residential curtilage, the proposed development would result in a more substantial and urbanised form of development on the site to that which is there now. This would cause moderate harm to the spatial openness of the area.</li> <li>• The proposal would result in moderate harm to the openness of the Green Belt.</li> <li>• The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. The Council has confirmed that the submitted S106 agreement would secure this.</li> <li>• I conclude that the appeal should be dismissed.</li> </ul>	<p><b>DISMISSED</b></p>
<p>6.</p>	<p><b>Mr &amp; Mrs S &amp; L Hall</b>  <b>Great Down, Hogs Back, Seale, GU10 1HD</b></p> <p><b>19/P/02117</b> – The development proposed is erection 1 x 3 bed detached dwelling and associated forecourt parking following removal of existing garaging and garden storage sheds.</p>	<p><b>DISMISSED</b></p>

	<p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"><li>• The proposed dwelling would be materially larger than the existing single storey buildings. Its redevelopment would have a greater impact on the openness of the Green Belt than the existing development on the site due to its increased size. It would therefore not meet the exception test set out in paragraph 145(g) of the framework.</li><li>• The proposal would be inappropriate development in the Green Belt. It would conflict with both Policy P2 of the Local Plan and national policy to protect the Green Belt. I attach substantial weight to this harm.</li><li>• The proposed house would be a large structure which would additionally require an area of hard surfacing providing a driveway and vehicle parking space. This would amount to a more substantial and urbanising form of development on the site. The proposed house would significantly reduce the spatial openness of the area.</li><li>• From the accessway the proposed house would have the appearance of a single-storey building. This would reduce its prominence when viewed from this direction. Nevertheless, the proposed infill would close a significant gap between built development within the rows of houses, resulting in a continuous and prominent strip of domestic development. This would have an urbanising effect on the area which would be widely visible from the south and from the accessway off the A31. As such, the proposal would significantly reduce the visual openness of the area.</li><li>• I conclude that the development would result in significant harm to the openness of the Green Belt.</li><li>• The appellant has accepted the need to provide contribution towards both SANGS and SAMM. However, the submitted section 106 agreement being in draft form, unsigned and undated would not secure this.</li><li>• I conclude that the appeal should be dismissed.</li></ul>	
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