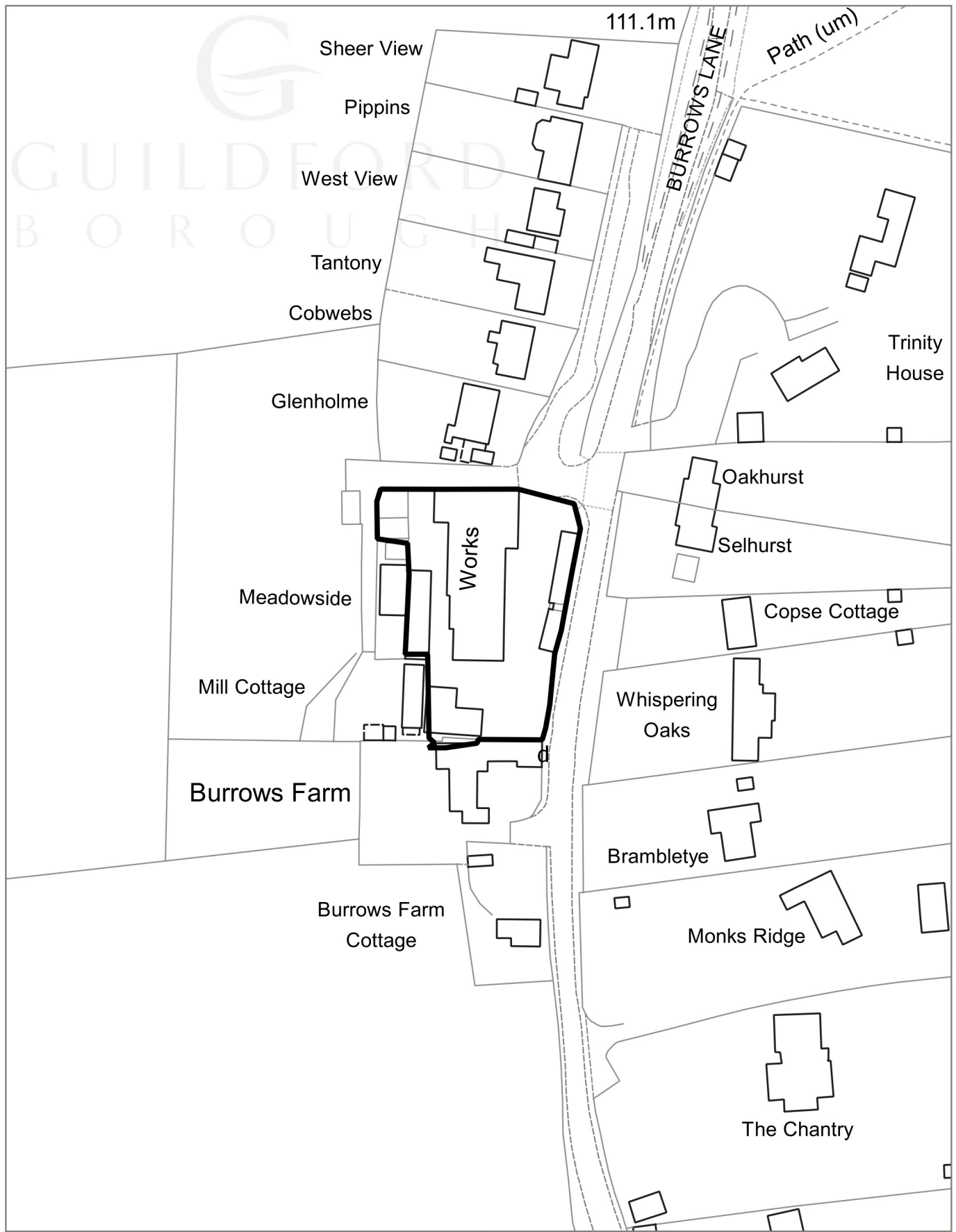


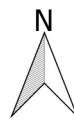
20/P/00309 - Kings Yard, Burrows Lane, Shere, Guildford



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Print Date: 04/05/2020

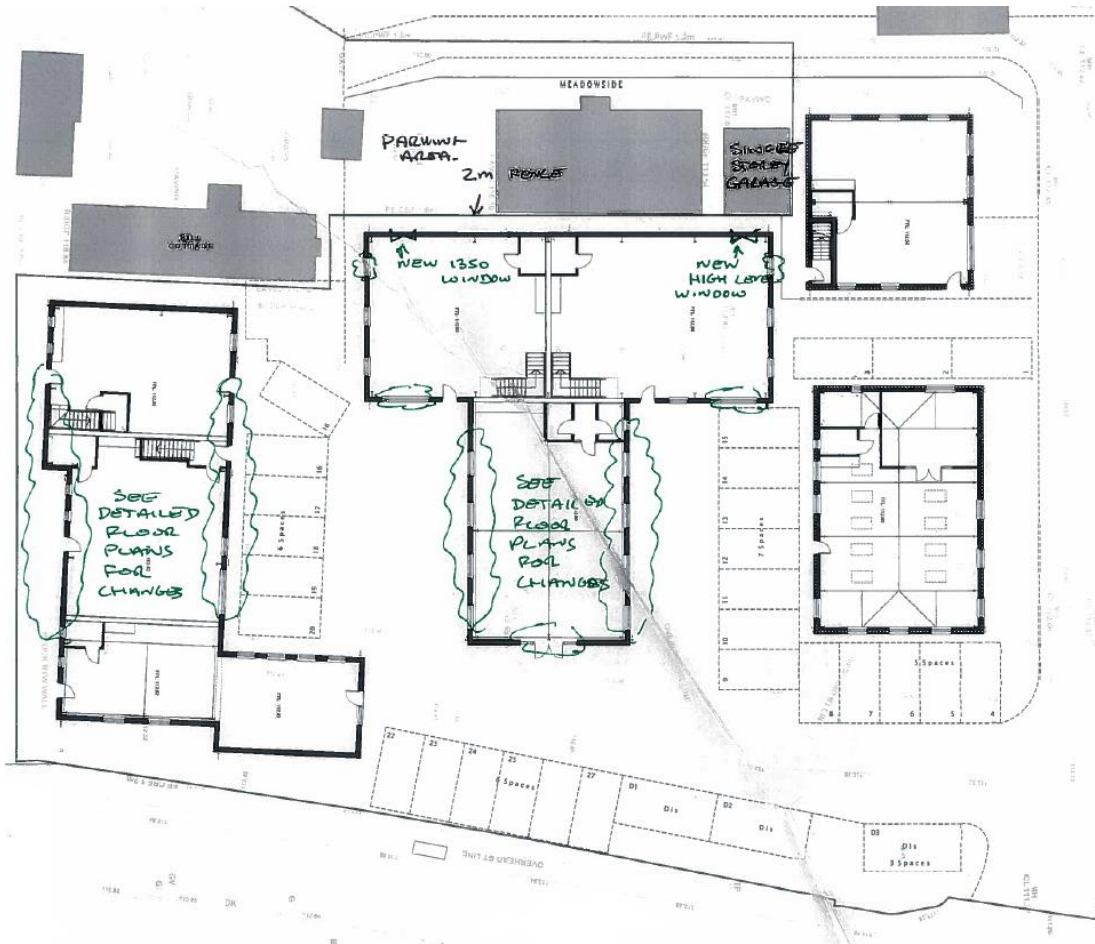


Not to Scale



GUILDFORD
BOROUGH

20/P/00309 – Kings Yard, Burrow Lane, Sher, Guildford, GU5 9QE



Not to scale

App No: 20/P/00309
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Shere
Agent :

8 Wk Deadline: 15/04/2020

Ward: Tillingbourne
Applicant: Mr Margetts
Mr
Kings Yard
Burrows Lane
Gomshall
GU5 9QE

Location: Kings Yard, Burrows Lane, Shere, Guildford, GU5 9QE
Proposal: Variation of condition 3 and 16 of application 06/P/00548 approved 25/04/06 to improve landscaping and alter window treatments, including insertion of 6 rooflights to Unit 3. (Amended description 30 April 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 proposal seeks the following variations to Conditions 3 and 16 of planning permission 06/P/00548.

A variation to Condition 12 is no longer proposed as part of this application.

Variation of condition 3:

The proposal seeks to amend the previously approved landscaping details by amending some of the proposed planting details. The landscaping proposals remain broadly similar to those previously agreed with some variations to the type of planting to introduce more native species, for example with the laurel hedging along the road frontage with Burrows Lane to be replaced with native mixed hedging.

Condition 16 (drawing numbers)

The window treatments have been altered by way of changes in size and positioning, including reductions in the width and height of some of the windows, in order to meet fire regulations and improve insulation, to meet the bracing requirements to the steel frames and to improve natural light. 6 rooflights are proposed to the roof of the front projection to Block 3, to give better ventilation and improve natural light levels. 2 small additional windows are also proposed to the rear elevation of Block 3 to improve natural light levels.

Summary of considerations and constraints

The proposed changes to the fenestration and landscaping details are minor and would not have a detrimental impact on the scale and character of the development approved under the original consents or the rural character of the surroundings, including the wider AONB and AGLV landscape character.

The proposal will not result in an increase in the overall floor area of the development and will not have a detrimental impact on openness of the Green Belt.

Due to the minor nature of the proposed changes and the size and positioning of additional windows proposed and proposed boundary screening, there will be no adverse impact on neighbouring amenity.

It is therefore concluded that the proposed variation to Conditions 3 and 16 will not have a detrimental impact on the rural character of the area, the openness of the Green Belt, the wider landscape character of the AONB. For the same reasons, it is not considered that the proposal will have a detrimental impact on neighbouring amenity or highway safety.

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

RECOMMENDATION:

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

1. The development shall be carried out in accordance with the external materials details approved under Condition 2 of planning permission 06/P/00548. No external materials shall be used other than those approved.

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

2. No external lighting shall be installed on the site or affixed to any buildings on the site.

Reason: In the interests of visual amenity and neighbouring residents.

3. The approved details of all boundary treatments and soft landscaping (as shown on drawing no's 001/401/LM and 001/104/LM received 19 February 2020) shall be implemented in accordance with a planting schedule to be submitted to and agreed in writing by the LPA and within the first planting season following the date of this permission or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.

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

4. No processes shall be carried on or machinery installed or used which are not such as could be carried on, installed or used in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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

5. The use hereby permitted shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

6. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 6 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

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

7. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be submitted to an approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety and convenience.

8. The development shall be carried out in accordance with the slab level details agreed under Condition 8 of Planning Permission 06/P/00548. The constructed development shall not vary from the approved levels.

Reason: In order to ensure a satisfactory form of development.

9. No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal.

Reason: In the interests of visual amenity.

10. The proposed modified access to Burrows Lane shall be constructed and provided with visibility zones in accordance with the approved plans all to be permanently maintained to a specification to be agreed with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction over 0.5m in height above the carriageway of Burrows Lane.

Reason: In the interests of highway safety.

11. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked (and for loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear). The parking and turning shall be maintained exclusively for its designated use.

Reason: In the interests of highway safety.

12. The non-residential floor area associated with the live work unit (block 2) shall only be used for Class B1 and shall at all times remain as such, and not be used for habitable residential purposes.

Reasons: In granting permission for a live work unit 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.

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

LM001/11/P6
LM001/10/P6
LM001/20/P2
LM001/21/P3
LM001/23/P3
LM001/43/P4
97/04/11A
97/04/5A
97/04/09A
LM001/103/Rev P5

As approved under 19/N/00034 on 8 May 2019 and 19/N/00022 on 15 April 2019.

Amended drawings (received 19 February 2020) as follows:

001/36/LM
001/35/LM
001/44/LM
001/45/LM
001/31/LM
001/41/LM
001/33/LM

Additional drawing received 30 April 2020:

LM001/34/P2

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

Informatives:

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

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

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

Officer's Report

Site description.

The application site is located on the western side of Burrows Lane, to the south of Gomshall. It is located within the Green Belt (outside of a settlement area) and also within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

The site is currently being redeveloped as office (B1 use) units. Construction of the new buildings (granted planning permission under 06/P/00548) is currently underway on site with some of the units completed.

The site itself is roughly rectangular in shape and is 0.3 hectares in size. The site is elevated above Burrows Lane by approximately one metre, but is itself relatively flat.

The site is accessed via an existing access drive which serves Kings Yard and several neighbouring dwellings on the western side of Burrows Lane.

The surrounding area is predominantly rural in character. There are residential dwellings neighbouring the site to all sides of the site and on the opposite side of Burrows Lane.

Proposal.

Variation of condition 3 and 16 of application 06/P/00548 approved 25/04/06 to improve landscaping and alter window treatments, including insertion of 6 rooflights to Unit 3. (Amended description 30 April 2020).

Amended description (30/04/20) - Phasing of parking provision no longer proposed:

This application originally included a proposal to vary Condition 12 for allow for phasing of completing the parking provision on site so that the tenants for Unit 1 could occupy the unit prior to the construction on the rest of the site being completed. However, the applicant has confirmed that all of the parking areas will be laid out to accommodate all of the agreed amount of parking, prior to any the units being occupied. This element of the proposal has therefore been removed from the application.

Condition 3 (boundary treatment and landscaping)

Condition 3 of 06/P/00548 states:

'The development shall not commence until details of all boundary treatments and soft landscaping has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.'

Reason: To safeguard the visual amenities of neighbouring properties and the locality. In accordance with policy G5(9) of the Guildford Borough Local Plan 2003.'

Details of boundary treatments and soft landscaping were approved in relation to Condition 3 of 06/P/00548. The current proposal seeks to amended the previously approved details by amending some of the proposed planting details. The proposals remain broadly similar to those previously agreed with some variations to the type of planting to introduce more native species, for example with the laurel hedging along the road frontage with Burrows Lane to be replaced with native mixed hedging.

This application is also seeking to vary the wording of the condition with regard to the implementation of the landscaping to suit the construction / occupation timescales and planting seasons, amending the requirement for it to be implemented prior to the first occupation of the development to prior to the occupation of the final unit.

Condition 16 (drawing numbers)

The window treatments have been altered by way of changes in size and positioning, including reductions in the width and height of some of the windows, in order to meet fire regulations and improve insulation, the bracing requirements to the steel frames and to improve natural light. 6 rooflights are proposed to the roof of the front projection to Block 3, to give better ventilation and improve natural light levels. 2 small additional windows are also proposed to the rear elevation of Block 3 to improve natural light levels.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
19/P/02011	Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 21 car parking spaces and landscape improvement works.	Refused 16/01/2020	N/A

19/T/00279	Apple tree (T1) - removal of ivy, lift crown up to 2.5m and reduce crown up to 50%; Beech (T2) - lift crown up to 2.0m above ground level and reduce crown by up to 5%; Hazel (T5) - remove ivy and cut back by up to 60%; Oak (T7) - trim back two low hanging branches up to 2.5m above ground level; Conifer (T10) - fell; Conifer (T11) - fell (Tree Preservation Order No. 7 of 2019).	Tree Works Approved With Conditions 20/12/2019	N/A
19/P/01282	Variation of condition 5 (hours of work) of planning permission 06/P/00548 approved on 25/04/2006, to ensure that the hours of work refer to the whole site and not to one specific unit, and condition 16 (approved plans) to allow the installation of dormer windows on Block 2, Block 3 and Block 4 (amended plan received 14 October 2019).	Part approved 05/12/2019	N/A
19/P/01223	Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 20 car parking spaces and landscape improvement works.	Refuse 05/09/2019	N/A
19/N/00073	Non-material amendment to planning permission 06/P/00548, approved 25/04/2006, to allow the inclusion of the plan numbers on the decision notice.	Approve 18/07/2019	N/A
19/N/00034	Non material amendment to application 06/P/00548, approved on 25/04/06.	Approve 09/05/2019	N/A
19/N/00022	Non-material amendment for application number 06/P/00548	Approve 15/04/2019	N/A
18/N/00131	Non material amendment re: 05/P/1686, 06/P/0548 and 17/P/01055	Refuse 03/01/2019	N/A
18/P/01775	Variation of condition 5 of 06/P/00548, approved 25/04/2006, to change the approved opening hours of the live/work unit (Block 2).	Approve 08/11/2018	N/A

17/P/01055	Certificate of lawfulness for an existing use or operation to establish that operational development in the form of the digging and laying of concrete foundations in respect of planning application 06/P/00548, approved 25/04/2006, has been lawfully commenced for the purposes of section 55(1) and (c) and section 56(1)(a), (2) and (4)(b) of the Town and Country Planning Act 1990 (as amended).	Approve 30/08/2017	N/A
06/P/00548	Relaxation of conditions 05 & 15 of 05/P/1686 to allow Blocks 1,3 & 4 and the non residential floor area associated with the live work unit (Block 2) to be used as Class B1.	Approve 26/04/2006	N/A
05/P/01686	Erection of three detached two storey office blocks and one single storey office block comprising B1 and B2 industrial units and 1 work / live unit with associated parking and landscaping following demolition of all existing buildings on site. (Amended plans received 20/09/2005 to show revised sight lines and received 16/11/05 showing revised elevations)	Approve 14/12/2005	N/A

Consultations.

Shere Parish Council

- object to changes to the parking condition (officer comment - This element is no longer proposed)
- no objection to changes to window treatments

Residents associations

Burrows Cross Residents Association [BCRA]:

Objects

- occupation without parking provision will result in displacement of construction vehicles parking on to Burrow Lane, resulting in congestion and highway safety issues.
- light pollution from additional rooflights will have detrimental impact on the AONB, wildlife and residents.

[Officer note: As noted above, the proposed variation to the parking condition (Condition 12) has now been removed from the application. The applicant has confirmed the parking will be provided prior to occupation of the units. There is therefore no longer a requirement to vary Condition 12).

Third party comments:

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

- additional rooflights will likely increase the utilisation of the office space, resulting in increase in the workforce and implication on insufficient parking
- why are rooflights necessary for fire regulations?

[Officer note: The application states that the rooflights are required to improve ventilation and natural daylight within the unit]

- light pollution from additional rooflights, adverse visual impact at night , on the AONB and rural location
- several additional windows have been added to the original scheme through various applications
- if offices are occupied before completion will result in less on-site parking for construction workers and further congestion on access track and Burrows Lane
- impact on highway safety from parking not being provided
- overflow parking detrimental to whole neighbourhood

[Officer note: As noted above, the proposed variation to the parking condition (Condition 12) has now been removed from the application. The applicant has confirmed the parking will be provided prior to occupation of the units. There is therefore no longer a requirement to vary Condition 12).

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 6. Building a strong and competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 12. Achieving well-designed places

Chapter 13. Protecting Green Belt land

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

2019 Local Plan

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).

It is noted on 1 November, the Council published the updated Land Availability Assessment (LAA) 2019. This demonstrates that the Council has a five year land supply position of 6.84 years. In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2018 measurement is 75%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (25%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

Relevant policies:

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

Policy P2: Green Belt

Policy E5: Rural economy

Policy D1: Place shaping

Policy 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

Surrey Hills AONB Management Plan 2014-2019

Policies LU1, LU2 and LU3

Supplementary planning documents:

Vehicle Parking Standards 2006 SPD

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Planning considerations.

The main planning considerations in this case are:

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

Background

Planning permission was originally granted for the redevelopment of the Kings Yard site with new buildings for light industrial use in 2005 (05/P/01686).

This permission was varied in 2006 (06/P/00548) to allow the buildings to be used for any purpose within B1 use class (offices / light industrial).

The implementation of the 2006 permission was confirmed under a Certificate of Lawfulness application in 2017 (17/P/01055) and this is now under construction on site.

Minor changes to the consented scheme have been approved under the non-material amendment applications referenced above. However, these have not changed the size (floor area) or the approved use of the new buildings which is B1 use.

A S73 application (19/P/01282) for variations to the original permission was also part approved in 2019. This allowed for the addition of dormer windows to Units 3 and 4 and a subsequent small increase in the overall floor area of the units (+9m²). This application is subject to a current appeal relating to the decision made by the Council to refuse a proposed variation to the hours of operation condition. The permission granted for the dormer windows is not currently being implemented.

The site previously consisted of a group of buildings in B1 and B2 use. The approved 2005 and 2006 applications showed a reduction in the floor area across the site and the provision of a total of 29 parking spaces within the Kings Yard site to serve the development. As set out in the officer's reports for these applications this level of parking provision was considered acceptable as it was an improvement over the previously existing situation.

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

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

Section 73, gives two options when considering such applications:

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

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

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

In this instance the application suggests the variation of condition(s) 5 and 16 of planning permission 06/P/00548 as detailed above.

Principle of development - impact on the Green Belt

The principle of the redevelopment of the site with buildings for B1 use has been established under the previous planning permissions relating to the site (detailed above).

Para 145(g) of the NPPF allows for '..limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development...'

The proposed variation to the agreed landscaping details agreed under Condition 3 of 06/P/00548, will result in minimal changes to the proposed soft landscaping in terms of the planting proposed. These minor changes will not have an adverse impact on openness of the Green Belt.

The proposed alterations to the fenestration on the elevations of the buildings will result in minor changes to their size, mainly resulting in reductions in the widths of window openings, and their positioning. The most significant change is the addition of 6 rooflights to the roofslope of Block 3 and two small windows to the rear elevation of this block. However, these are modest in size and will serve to improve the ventilation and daylight within the internal office space already approved. There will be no resultant increase in the floorspace of the building and therefore the proposal will not result in an intensification in the use of the building.

As a result, it is concluded that the proposed changes to the windows, including the additional rooflights would not have a significantly greater impact on the openness of the Green Belt compared to the 2006 approved scheme. It is therefore considered that this proposed revision complies with Para 145(g) of the NPPF.

Impact on the AONB / AGLV and character of the area

The site is within a rural location within the AONB and AGLV countryside.

The proposed revisions to the landscaping details are minor and will ensure the provision of native planting along the road frontage and northern boundary of the site which will be appropriate for this AONB location, the rural character of the lane and will also help to enhance biodiversity and encourage wildlife.

The application requests amending the wording of Condition 3 to allow for the implementation of the planting to be phased and completed prior to the occupation of final unit as opposed to the first occupation of the development. However, it is considered more appropriate to amend the wording of the landscaping condition to ensure the planting is implemented in the first available planting season following the determination of this planning application, or phased as agreed in writing by the LPA. This will ensure that the proposed planting will be implemented as soon as possible.

The proposed alterations to the fenestration include the insertion of 6 rooflights to the roof of Unit 3. However, it is important to note that other changes to fenestration include a reduction in the width and height of some of the windows. The only further additional windows are two small windows proposed to the rear elevation of Unit 3. Overall it is considered that the proposed changes will not result in a significant change to the fenestration or increase in glazing compared to the previously approved plans. The rooflights are modest in size and not will result in an adverse increase in light pollution emanating from the development. Furthermore, the hours of use restriction will mean that the building will not be in use during night-time hours.

Concerns have been raised regarding light pollution and the adverse impact on the AONB and the rural character of the area. Due to the modest size of the additional rooflights proposed and the minor nature of the other proposed alterations to the fenestration, it is concluded that the proposed variation will not have an unacceptable impact in terms of light pollution.

The conditions attached to the 2006 permission, including a condition to restrict external lighting, will be reapplied.

It is therefore concluded that the revisions proposed by this S73 application would not have a detrimental impact on the wider landscape character of the surrounding AONB and AGLV or the rural character of the surroundings.

The proposal is therefore considered to comply with Para 172 of the NPPF and Policy P1 of the 2019 Local Plan.

Highways / Parking considerations

Following the withdrawal of the proposed variation to Condition 12 from this application, the variations proposed under this S73 application will not result in any changes to the proposed access arrangements or parking provision within the application site from the details already agreed.

As noted above, it is considered that the proposed variations will not result in an increase in the intensification in the use of the site from the previously approved plans. As such, there are no concerns regarding the impact of the variations proposed under this S73 application on highway safety. It is therefore concluded that the revisions proposed to the approved scheme would comply with Policy ID3 of the 2019 Local Plan.

Impact on neighbouring amenity

As noted above, the site is in a rural location, within close proximity to residential dwellings.

The proposed minor changes to the landscaping proposals will not adversely impact on neighbouring amenity.

The landscaping proposals include the provision of a 2m high boundary fence on the western boundary of the site with neighbouring property Meadowside. This fencing will ensure suitable screening is provided between this neighbouring property and the application site and will screen the two new additional windows proposed on the rear elevation of Block 3.

The other fenestration changes relate to windows which face in towards the application site and are set away from the site boundaries, including the proposed new rooflights to Block 3. As such, it is concluded that the proposed fenestration changes will not result in a loss of privacy to neighbouring properties.

It is therefore concluded that the proposed variation to Condition 3 (landscaping) and Condition 16 (drawing numbers) will not have a detrimental impact on neighbouring amenity and therefore accords with Policy G1(3) of the saved Local Plan.

Conclusion

Given the above matters it is considered acceptable to vary the drawing numbers and landscaping details as set out. The relevant conditions from the 2006 permission 06/P/00548 will be reapplied. Conditions 13 and 14 of 06/P/00548 relate to contamination. The LPA is satisfied that the requirements of these conditions have been met and complied with and therefore it is not necessary for the conditions to be reapplied.