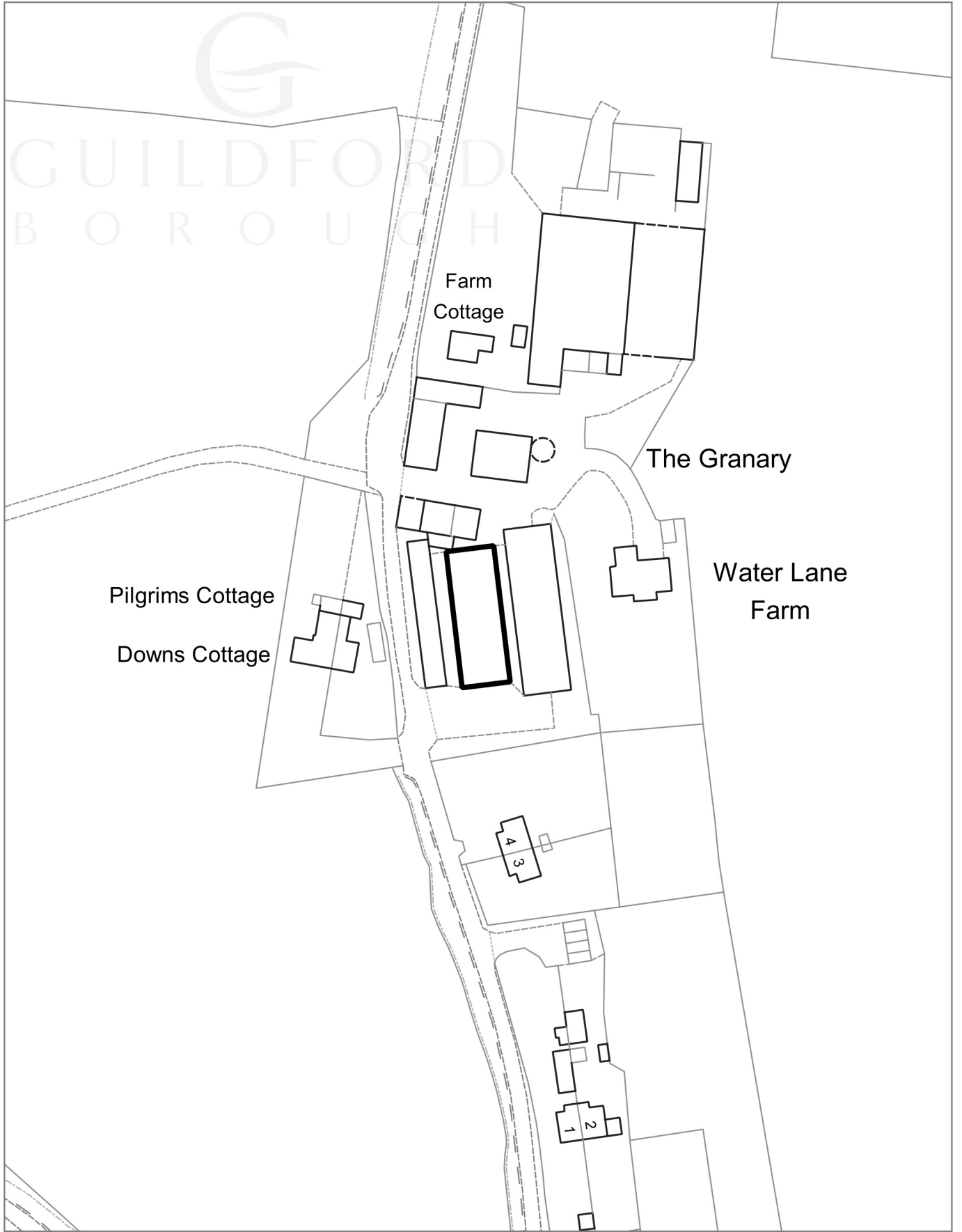


20/P/00968 - The Hayloft, Water Lane Farm, Water Lane, Albury, Guildford



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Not to Scale



GUILDFORD
BOROUGH

20/P/00968, The Hayloft, Water Lane Farm, Water Lane, Albury, Guildford



Not to scale

App No: 20/P/00968
Appn Type: Full Application
Case Officer: Katie Williams
Parish: Albury
Agent :

8 Wk Deadline: 07/09/2020

Ward: Tillingbourne
Applicant: Mr. Andrew Coxhead
355 Automobile Restorations
The Hayloft
Water Lane Farm
Water Lane
Albury
GU5 9BD

Location: The Hayloft, Water Lane Farm, Water Lane, Albury, Guildford, GU5 9BD
Proposal: Change of use from storage (use class B8) to classic and sports car restoration (use class B2 light industrial) (retrospective application).

Executive Summary

Reason for referral

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

Key information

Change of use from storage (use class B8) to classic and sports car restoration (use class B2 light industrial) (retrospective application).

Floor area: 445sq m

The building is accessed directly from Water Lane

There is a parking area with space for approximately 10 cars immediately adjacent to the south of the building.

No. of employees: 5 full time, 3 part time (=7 FTE)

Summary of considerations and constraints

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. It conserves and protects the special landscape character of the AONB and AGLV and subject to the recommendations would not result in significant harm on neighbouring amenity. The Highway Authority has assessed the application documents and 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 carried out in accordance with the following approved plans: 'block plan' received 30 June 2020, 'existing elevations and floor plans', 'front and rear elevations', and 'current floor plan' received on 13 July 2020.

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

2. This permission shall be personal to 355 Automobile Restorations and shall not take effect for the benefit of the land. Upon the aforementioned ceasing to use the premises for the use permitted, this permission shall cease and become null and void. All material and equipment bought on to the premises in connection with the use shall be removed.

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case.

3. Any operations that create audible noise at the curtilage of the nearest residential premises shall only be carried out between the hours of 08:00 and 18:00 hours Monday to Friday and from 10.00 – 13:00 hours on Saturday and at no time on Sundays and Bank Holidays or Public Holidays. Deliveries and operation of commercial vehicles on site shall only occur during the above stated hours.

4. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and / or odour created by operations carried out on the premises. Details of the equipment shall be submitted to and approved by the Local Authority in writing within two months of the date of the permission. Such equipment shall be installed, operated and maintained in full working order in accordance with manufacturer's instructions within 3 months of the date of the permission and throughout the proposed use.

Reason: To protect adjoining premises/residential amenities.

5. Any air handling plant, fixed mechanical, electrical or hydraulic equipment etc., installed and operated at any time in connection with the carrying out of this permission shall not produce broadband noise that is clearly audible at the boundary of any noise sensitive premises. Noise from operating plant shall therefore not exceed current and existing background noise levels (LA90) and at no time shall there be any tonal or acoustic features of the operating machinery that will increase the noise level above the existing residual continuous equivalent level (LAeq) greater than +1dBA present at the façade of any nearby noise sensitive premises. A regular and routine maintenance programme will be employed to ensure operational plant does not increase noise output due to mechanical wear or defect that will result in any unit failing to meet the above noise criteria.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

Informatives:

1. The business will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010, if using one tonne or more of organic solvent in any 12-month period. In all cases to avoid causing statutory nuisance good practices must be employed to avoid causing statutory nuisance.
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

In this case pre-application advice was 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, within an Area of Outstanding Natural Beauty and within an Area of Great Landscape Value.

The site consists of a large former agricultural barn building within a group of farm buildings forming part of Water Lane Farm. The farm complex is located to the eastern side of Water Lane which is a narrow rural lane. The farmhouse is located approximately 30 metres to the east of the building (subject of this application), screened by mature trees and hedging.

Proposal.

Change of use from storage (use class B8) to classic and sports car restoration (use class B2 light industrial) (retrospective application).

Floor area: 445sq m

The building is accessed directly from Water Lane

There is a parking area with space for approximately 10 cars immediately adjacent to the south of the building.

No. of employees: 5 full time, 3 part time (=7 FTE)

Relevant planning history.

20/W/00036 - Prior notification under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a proposed change of use of agricultural building to a flexible use within shop, financial and professional services, restaurants and cafés, business, storage of distribution, hotels, or assembly or leisure, for the purpose of classic car restoration. Refused 06/05/2020

97/P/00906 - Variation of Condition 03 of Planning Permission 92/P/0932 to permit the continued permanent use of redundant farm buildings for storage (B8) purposes and the use of one small building (Building 3) for the servicing of private motor vehicles and farm equipment. Approved 29/08/1997.

92/P/00932 - Continued use of redundant farm buildings for storage (B8) purposes and the use of one small building (Building 3) for the servicing of private motor vehicles and farm equipment. Approved (temporary permission).

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 County Highway Authority therefore has no highway requirements.
- 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:

- Recommended conditions and informatives.

Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer:

- Since the proposal involves the use of an existing building that is predominantly brown in colour and within a group of buildings and it may be supporting the viability of the farming landscape I consider it would be difficult to substantiate concern in principle from an AONB aspect. But I would suggest any permission should be subject to the following conditions:
 - personal to the applicants to avoid a more objectionable use within use class B2 or other related permitted use and for the Borough Council to maintain planning control,
 - all works on vehicles should be carried out only inside the building,
 - the fencing at the entrance be stained dark brown and
 - two native species hedges be planted in front of the fences either side of the entrance to soften the current industrial character of the development.

Albury Parish Council

No objection to this application but wishes to make the following comments and requests:

- There appears to be inadequate prevention of paint fumes and noise pollution, the subject of constant complaints from the surrounding residential properties, some immediately adjacent to the workshop entrance.
- Extended working hours, including weekends, frequently into the mid evening.
- The accuracy of the submitted planning application form which states on questions:
 - 15. *That there will be no need to dispose of trade effluents or trade waste.*
 - 21. *That the proposal does not involve the use or storage of any hazardous substances when the business is to restore and re-spray vehicles requiring disposal of various replaced parts and use of paint and thinners and contaminated cleaning materials.*
- What action and facilities are proposed in the event of asbestos being discovered in an old vehicle.
- What provision is there for the control of harmful dust escape when the doors are left open.
- Does the link recently constructed to join the building that is the subject of this application to the building behind it, designated for storage use, affect the total area and therefore this application. Approval of change of use to B2 should not automatically include the second building, designated as storage and not the subject of this application.
- Albury Parish Council requests that, in the event of approval for this application, the following conditions be required:
 - 1. A full Environmental Health inspection and report including the requirements and necessary actions before any operations can continue.
 - 2. A condition for the permitted hours of being open and working, including weekends.

[Officer note: *The Environmental Health Officer has been consulted and has raised no objections*]

Third party comments:

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

- concerns regarding level of noise and chemical odours/ fumes coming from the building
- no details of proposed noise insulation
- no hours of operation given
- there should be a highway consultant's report to show how safe access & egress can be achieved
- parking spaces not shown
- the proposal will lead to increased traffic, parked cars, lorries and trailers and alterations to the building, resulting in an undesirable commercialisation of the site
- harmful impact on the appearance and setting of the Green Belt, AONB, AGLV and rural character
- retrospective application
- activity extends beyond the red line boundary
- inappropriate use for the building
- impact on safety of pedestrians using the lane
- work is being done out of normal working hours at weekends
- increased traffic in the lane
- impact on the environment from chemicals / hazardous materials
- asbestos
- no mention of how contamination is to be prevented
- light pollution from security lighting
- impact on wildlife

1 letter of support have been received outlining the following positive comments:

- the recent occupation of the barn as a body and paint shop seems a perfect solution
- the business should be allowed to continue unhindered and add to the local economy

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

E2: Location for new 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.

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 the AONB and AGLV
- the impact on neighbouring amenity
- highway/parking considerations

The principle of development

The principle of a change of use of the application site from an agricultural use to a 'B' use was established under the previously approved applications 92/P/00932 and 97/P/00906.

The proposal is therefore to be assessed on the basis of the change of use from B8 use to a B2 use.

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.

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 E2 of the 2019 Local Plan states that rural economic development opportunities will be supported.

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

The impact on the Green Belt and character of the area

The building subject to this application had until prior to the current tenant, been used for B8 storage purposes for several years and is clearly of a substantial, sound and permanent construction. It sits amongst a group of agricultural buildings which form part of Water Lane Farm, some others of which have also been converted into commercial uses. With the exception of the installation of an extractor flue, the proposal would not result in any external alterations to the building and the parking area is closely associated with the building, located on existing hardstanding within a fenced enclosure at the southern side of the building.

All activities would be within the building and no external changes are proposed to the building with the exception of the extractor flue (noted above) which is largely screened from the wider surroundings by the adjacent farm buildings. It is therefore considered that the bulk, form and general design of the building would not detract from the character of the countryside and that of the surrounding area. The parking area has not altered in size or location from the previous use of the building and is closely associated with the buildings, located on existing hardstanding.

The floor area of the building has been stated as 445 square metres. The application form confirms that there will be the equivalent of 7 full time employees. As such, and due to the relatively modest floor area of the building, it is considered the intensity of activity, including vehicle movements, associated with the proposed use will be modest and will not be significantly greater when compared with the previous (consented) B8 use of the building which has potential for a similar number of employees and similar or greater numbers of vehicle movements associated with it.

Due to the modest scale of the development and modest intensity of use proposed, it is not considered that the change of use would adversely impact on the openness of the Green Belt or rural character of the area. The application therefore constitutes appropriate Green Belt development and complies with paragraph 146 of the NPPF.

There are concerns that an alternative more intensive B2 use could occupy the building in the future if permission is granted for a general B2 use. Therefore, a condition is recommended restricting the use of the building to the current tenant only (355) in order to ensure the Council has control over the future use of the building.

Subject to this condition, the development is considered to comply with saved policy P2 of the new Local Plan and Para 146 of the NPPF and does not have a detrimental impact on the character of the existing building or that of the surrounding area.

The impact on the AONB and AGLV

With the exception of the installation of a flue, the development would not result in any external alterations to the building. The parking area is closely associated with the buildings and is located within an existing fenced area.

The Surrey Hills AONB Officer has advised that since the proposal involves the use of an existing building that is predominantly brown in colour and within a group of buildings and it may be supporting the viability of the farming landscape it would be difficult to substantiate concern in principle from an AONB aspect, subject to a personal use condition. Other conditions have also been suggested including a requirement to stain the fencing at the entrance dark brown and for native hedging to be planted in front of the fences to soften the industrial character of the development.

Subject to these conditions, it is considered that the special landscape character of the AONB and AGLV would be conserved and protected in accordance with Policy P1 of the 2019 Local Plan.

The impact on neighbouring amenity

There are several residential properties in Water Lane in close proximity to the application site. The closest properties are Water Lane Cottage to the south of the application site and Pilgrims Cottage and Downs Cottage on the opposite side of Water Lane.

Several concerns have been raised by neighbouring residents, particularly with regards to noise and odours associated with the use which has been operating for several months.

It is noted that since the submission of the application, the applicant has installed insulation to the walls of the building in order to reduce noise emissions from within the building. The applicant has also confirmed that the use will not be carried out outside of the building.

The Environmental Health Officer has visited the site and has confirmed no objections subject to recommended conditions to ensure the following:

Details of proposed system filtration of odours to be submitted to the LPA for approval, and then installed in accordance with the agreed details;

- Any operations that create audible noise at the curtilage of the nearest residential premises shall only be carried out between the hours of 08:00 and 18:00 hours Monday to Friday and from 10.00 – 13:00 hours on Saturday and at no time on Sundays and Bank Holidays or Public Holidays. Deliveries and operation of commercial vehicles on site shall only occur during the above stated hours.
- Suitable ventilation and filtration equipment to be installed to suppress and disperse fumes and / or odour created by operations carried out on the premises. Details of the equipment shall be submitted to and approved by the Local Authority in writing prior to installation. Such equipment shall be installed within 3 months of the date of the permission.
- Any air handling plant, fixed mechanical, electrical or hydraulic equipment etc., installed and operated at any time in connection with the carrying out of this permission shall not produce broadband noise that is clearly audible at the boundary of any noise sensitive premises. Noise from operating plant shall therefore not exceed current and existing background noise levels (LA90) and at no time shall there be any tonal or acoustic features of the operating machinery that will increase the noise level above the existing residual continuous equivalent level (LAeq) greater than +1dBA present at the façade of any nearby noise sensitive premises. A regular and routine maintenance programme will be employed to ensure operational plant does not increase noise output due to mechanical wear or defect that will result in any unit failing to meet the above noise criteria.

Concerns have also been raised regarding the use of solvents / chemicals associated with the use and the impact on the environment. The use of solvents is regulated under separate environmental control legislation and the business will require a permit (separate to any planning permission). An informative is recommended to advise the applicant of this.

As set out above, a personal condition is also recommended in order to control any potential future intensification in the use of the site.

It is therefore concluded that subject to the recommended conditions, the proposal would not have an adverse impact on neighbouring amenity.

On this basis, the proposal is deemed to be compliant 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'.

There is direct vehicle access to the site / parking area from Water Lane. The application form confirms there are ten parking spaces associated with the building, located within a fenced area to the south of the building. This is considered a sufficient level of parking for the proposed B2 use to ensure any staff or visitors can park clear of the highway.

It is important to note that the building was previously in B8 use.

The County Highway Authority has confirmed it has no objection to the application and has advised that the proposal is unlikely to have a material impact on highway safety issues.

As noted above, a personal use condition is recommended to retain control over the use of the building. This condition would prevent larger operators taking advantage of the change of use to B2.

Subject to this condition, no concern is raised with regard to parking provision and highway safety and capacity. The application would therefore comply with policy ID3 of the 2019 Local Plan.

Retrospective applications

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

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

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given weight to the fact that the application is retrospective.

It is understood that the applicant believed the proposed use of the building did not require planning permission but once he started operating the business from the building it became apparent that planning permission was required. In the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

Conclusion.

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. It conserves and protects the special landscape character of the AONB and AGLV and subject to the recommendations would not result in significant harm on neighbouring amenity. The Highway Authority has assessed the application documents and 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.