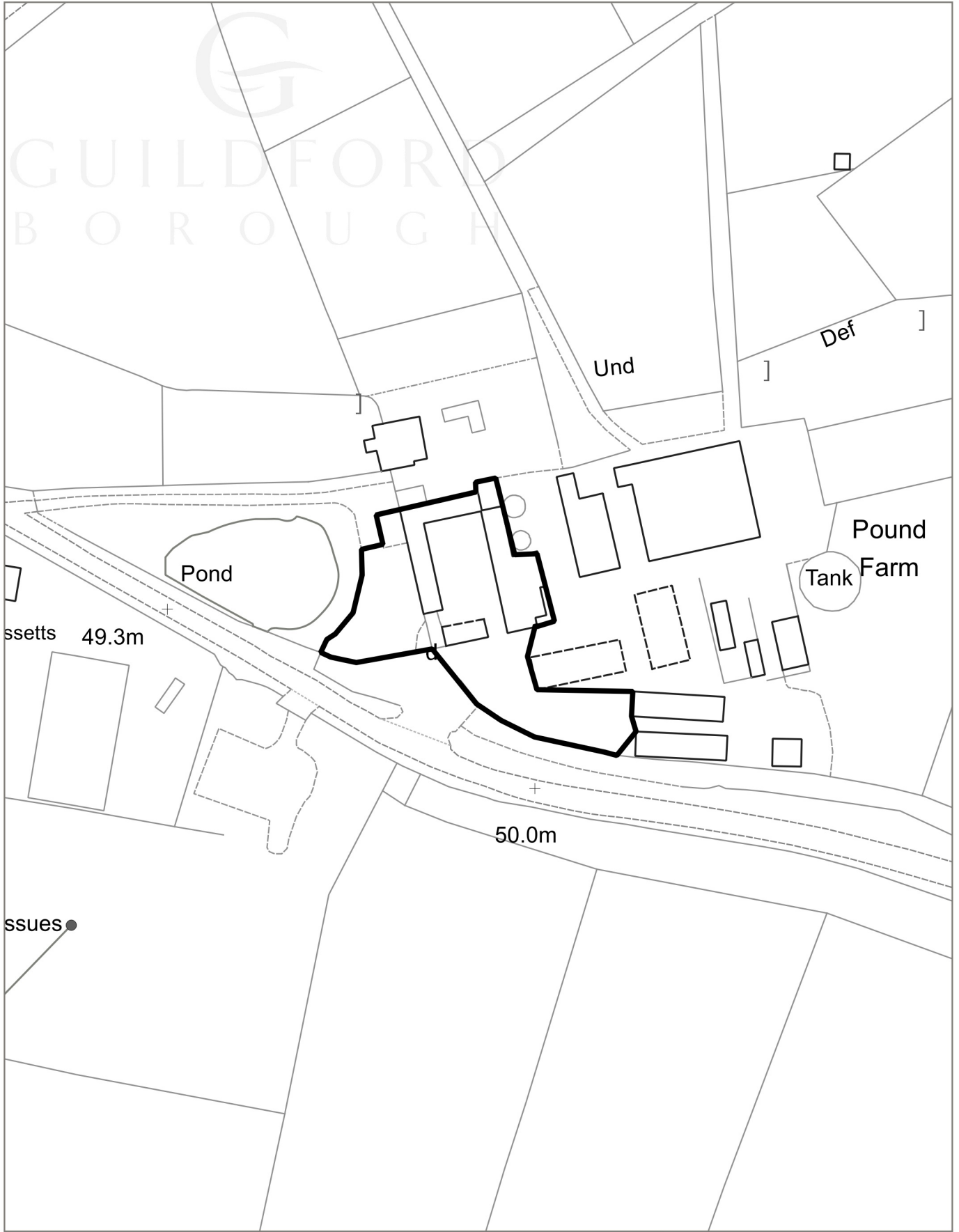


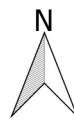
20/P/01830 - Red Balloon Ockham Ltd, Pound Farm, Old Lane, Cobham



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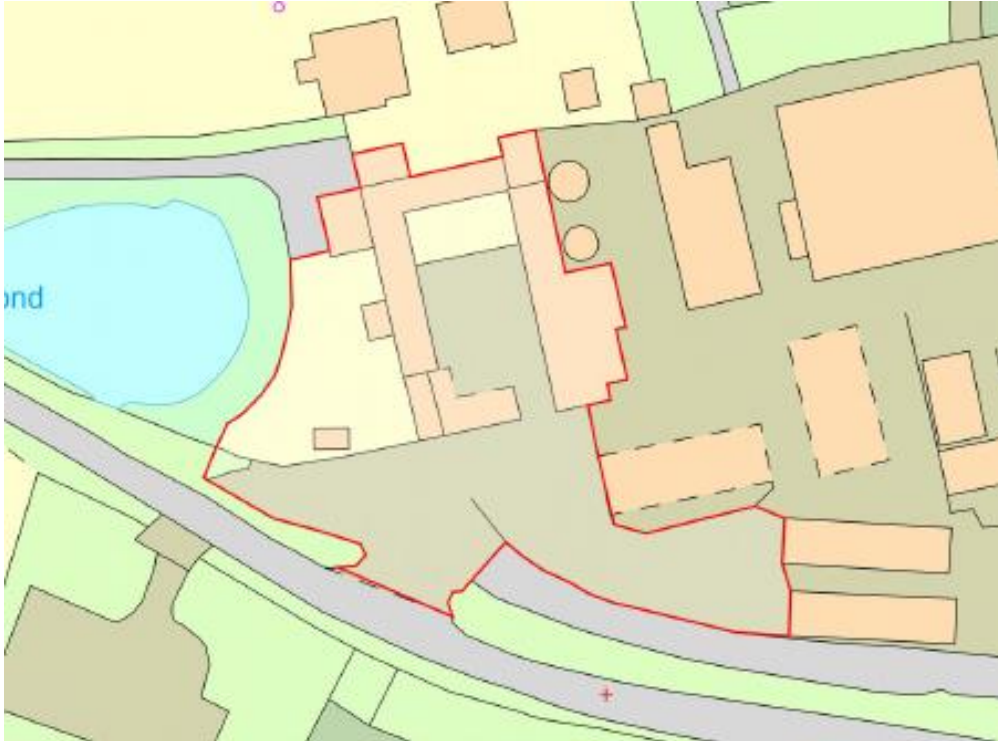


Not to Scale



GUILDFORD
BOROUGH

20/P/01830 – Red Balloon Ockham Ltd



Not to scale

App No: 20/P/01830
Appn Type: Full Application
Case Officer: Carolyn Preskett

8 Wk Deadline: 21/12/2020

Parish: Ockham
Agent : Mr. Geoff Douglass
Pelham Planning Associates
Ltd
2 Stag Leys
Ashtead
KT21 2TD

Ward: Lovelace
Applicant: Mr. Greg Ganjou
Red Balloon Ockham Ltd
Pound Farm
Old Lane
Ockham
Nr Cobham
KT11 1NH

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

Executive Summary

Reason for referral

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

Key information

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

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

The existing use is well established on the site.

Summary of considerations and constraints

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

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

RECOMMENDATION:

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

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

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use. In accordance with the following policy number(s), G1(3) and HE4 of the Guildford Borough Local Plan 2003 (as saved by the CLG Direction 24/09/07) and policies P2 and ID3 of the Guildford Borough Local Plan : Strategy and Sites 2015-2034 (adopted 25 April 2019).

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

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

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

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

Informatives:

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

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

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

Officer's Report

Site description

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

Proposal

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

Relevant planning history

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

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

Consultations

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

Environmental Health: No objections raised.

Ockham Parish Council: Object on the following grounds:

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

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

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

Third party comments

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

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

Planning policies

National Planning Policy Framework (NPPF) 2019:

Chapter 1 Introduction

Chapter 2 Achieving sustainable development

Chapter 4 Decision making

Chapter 12 Achieving well designed places

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

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

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

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

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

Lovelace Neighbourhood Plan:

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

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

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

Supplementary planning documents

Vehicle Parking Standards SPD 2006

Planning considerations

The main planning considerations in this case are:

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

s73 application

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

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

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

Section 73, gives two options when considering such applications:

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

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

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

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

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

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

The proposed new wording of the condition is as follows:

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

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

The primary considerations resulting from this change would be:

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

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

Intensification of use and impact on the highway

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

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

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