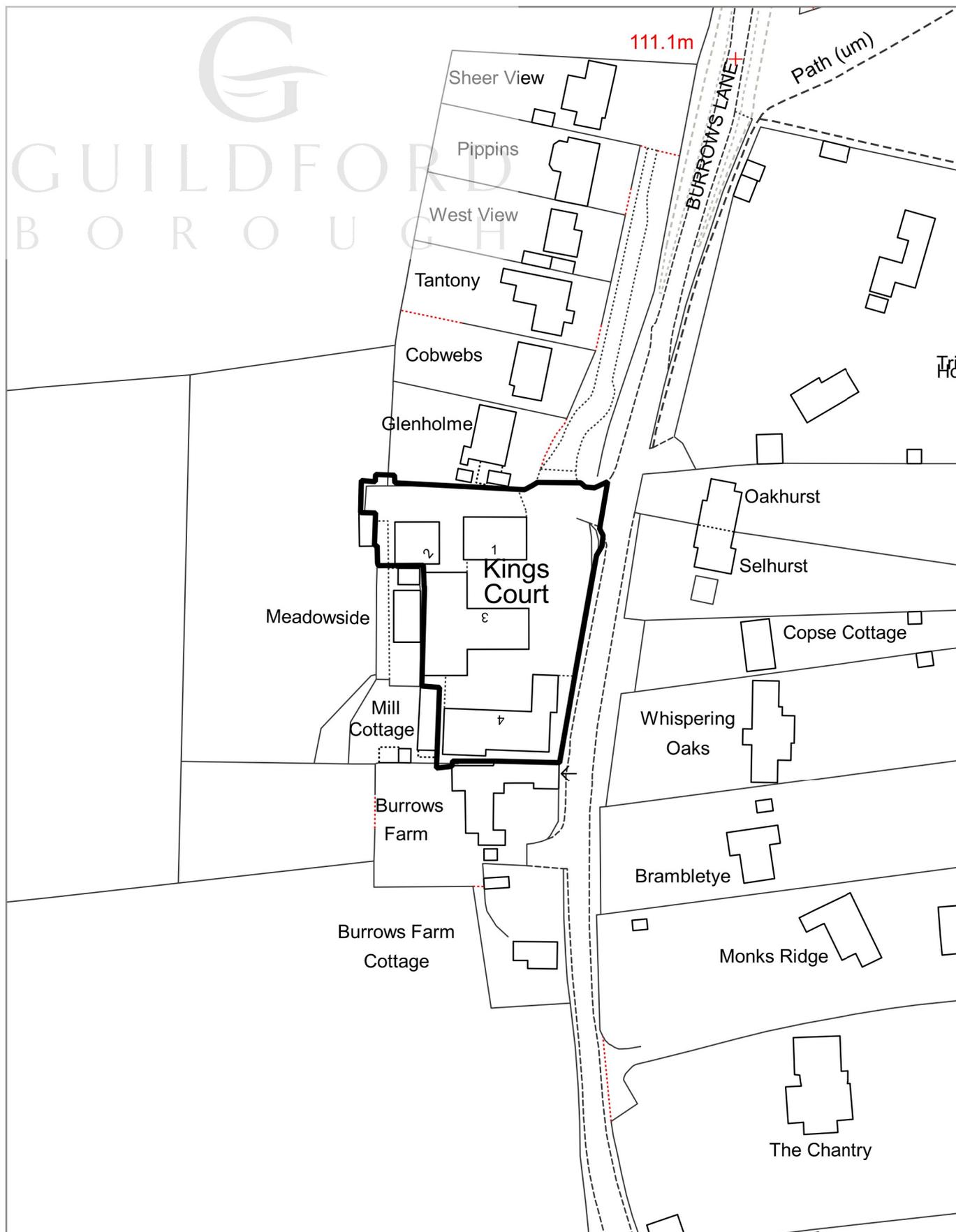


21/P/02589 - Unit 3c, Kings Court, Burrows Lane, Gomshall, Shere



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This map is for identification purposes only and should
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Print Date: 13/02/2023

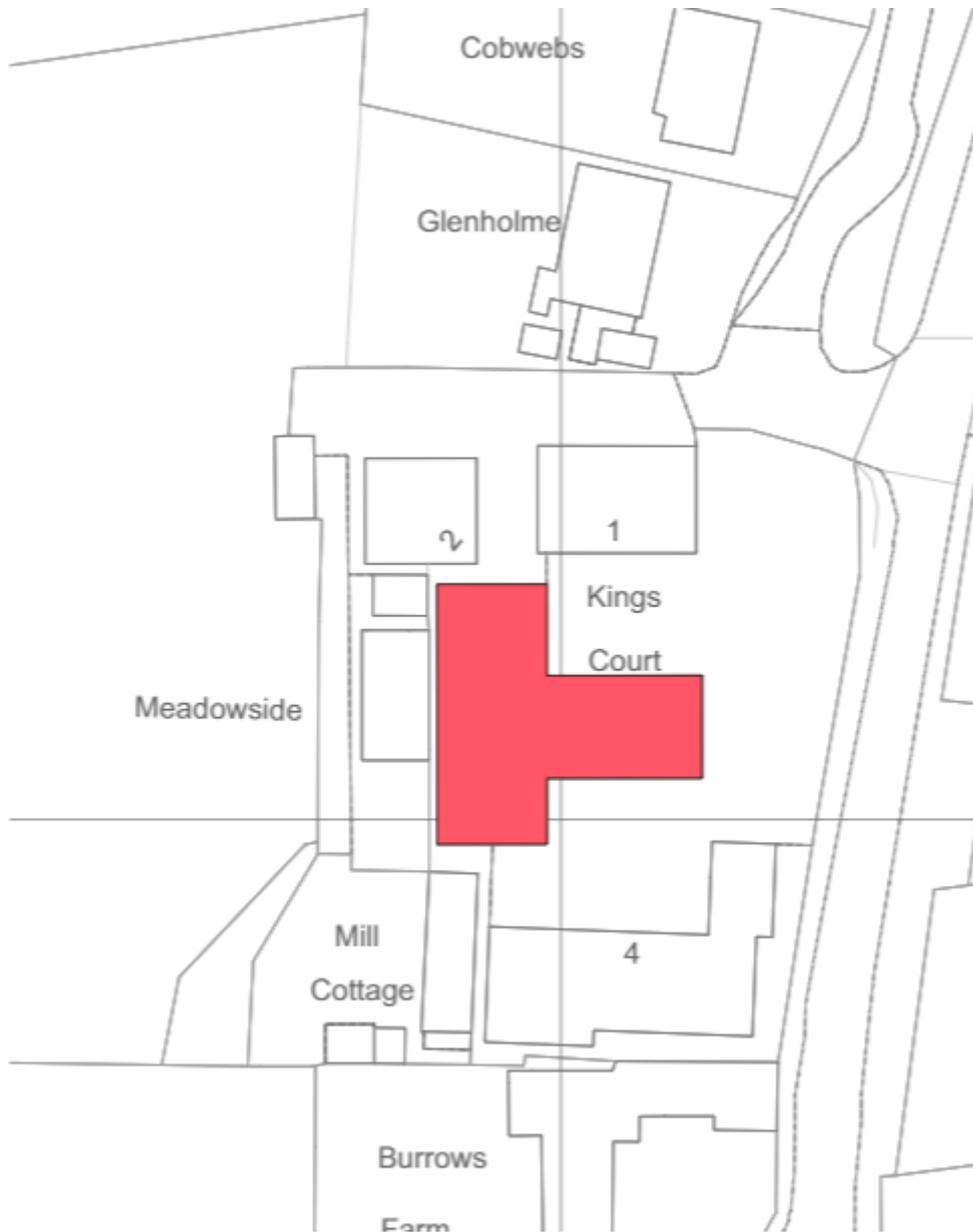


Not to Scale



GUILDFORD
BOROUGH

21/P/02589 – Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere



Not to scale

App No: 21/P/02589
Appn Type: Full Application
Case Officer: Katie Williams

8 Wk Deadline: 14/03/2022

Parish: Shere
Agent : Mr M. Smith
D&M Planning Ltd
1A High Street
Godalming
GU7 1AZ

Ward: Tillingbourne
Applicant: Harbridge Engineering Ltd
c/o Agent

Location: Unit 3C, Kings Court, Burrows Lane, Gomshall, Shere, GU5 9QE
Proposal: Change of use of part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

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 part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

Amended plans (received 23 January 2023) show the following amendments:

- Proposed increase in size of rear rooflights omitted, rear rooflights to be retained as existing size
- Clarification provided regarding headroom for proposed first floor flat
- Extent of external amenity space reduced to avoid right of access to neighbouring property, red line boundary amended accordingly
- Plans amended to show proposed enlarged dormer window / balcony at first floor correctly on the proposed side elevation and proposed roof plan (correcting discrepancies in originally submitted drawing)

A further amended plan (received 9 February 2023) shows a revision to the proposed parking spaces to be allocated to the residential units.

Summary of considerations and constraints

The proposed development will result in the conversion of an existing office unit to residential use. It is concluded that the proposed development will not constitute inappropriate development within the Green Belt and will not have a greater impact on the openness of the Green Belt compared to the existing use. The proposal would deliver a net increase of two x 1 bedroom dwellings in a sustainable location and the proposed loss of the employment unit on the site has been sufficiently justified.

The development would not harmfully affect the character or the appearance of the site or surrounding area, would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties and the development would not give rise to conditions prejudicial to highway safety. It is therefore concluded that planning permission should be granted subject to 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:

LMKC/DD1.11 (Block 3 Site Location Plan) received 13 December 2021
Amended plans received 23 January 2023: LMKC/PAD 3.10 REV B, 3.2 REV B, 3.3 REV B, 3.4 REV B, 3.5 REV B, 3.6 REV B and 3.7 REV B.
Amended plans received 9 February 2023: LMKC/PAD 1.8 REV B and 3.1 REV B.

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.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

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

Reason: To encourage the use of electric cars in order to reduce carbon emissions and in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021.

6. 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.

7. The development hereby permitted shall not be occupied until details of the proposed storage facilities and collection arrangements for bins and recycling have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall then be provided in accordance with the agreed details and made available for use, prior to the occupation of the development. These facilities shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

8. The facilities for cycle storage shown on the approved plans shall be fully implemented and made available for user prior to the occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

9. No development shall take place until a scheme for protecting the proposed dwellings from noise from the adjacent residential and commercial units has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.

Reason: As occupiers of the development, without such a scheme, are likely to suffer from noise to an unacceptable degree.

10. No work shall take place until detailed drawings of the new balcony (including balustrade design, materials and finish) to the first floor flat and boundary treatment to the amenity area for the ground floor flat (including design and height of proposed fencing) have been submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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. Minor alterations were required to overcome concerns, these were sought and (either) the applicant agreed to the changes.

2. 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.

The application site is located on the western side of Burrows Lane to the south of the village of Gomshall. The site comprises of a relatively recently built new development, made up of four detached buildings comprised of 8 units, all within commercial use (Class E), except for Block no.2 which comprises a work / live development. The units are largely occupied, except for three units which currently remain vacant (3A, 3C and 4B).

The complex of buildings are set around the northern, western and southern edges of the site, with parking throughout and to the east. Unit 3C is set within the largest building on the wider consented site (Building 3) in the centre of the site.

To the north of the site is a row of detached bungalows access via private road, to the south Burrows Farm and opposite the site further residential properties.

The site is located within the Green Belt and Surrey Hills Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV).

Proposal.

Change of use of part of building (Use Class E) to two residential units (C3) including minor fenestration changes and associated external alterations.

Amended plans (received 23 January 2023) show the following amendments:

- Proposed increase in size of rear rooflights omitted, rear rooflights to be retained as existing size
- Clarification provided regarding headroom for proposed first floor flat
- Extent of external amenity space reduced to avoid right of access to neighbouring property, red line boundary amended accordingly
- Plans amended to show proposed enlarged dormer window / balcony at first floor correctly on the proposed side elevation and proposed roof plan (correcting discrepancies in originally submitted drawing)

A further amended plan (received 9 February 2023) shows a revision to the proposed parking spaces to be allocated to the residential units.

Housing mix

2 x 1-bed flats

Parking

The submitted details refer to 2 no. allocated spaces, 1 space per flat.

Relevant planning history.

05/P/00750 - Erection of four detached two storey blocks comprising 14 Industrial units with offices above and one work/live unit with associated car parking and landscaping following demolition of all existing buildings on site. (Withdrawn 21/06/2005)

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)

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)

15/P/01808 - Erection of 9 dwellings (8 x 3 bed & 1 x 4 bed) following demolition of existing commercial B1 and B2 industrial units, associated storage buildings and one dwelling). Refuse 26/11/2015. Appeal Dismissed 26/04/2016.

17/P/02599- Erection of 6 detached dwellings together with associated car parking and landscaping following demolition of existing commercial and storage buildings. (Refuse 26/04/2018)

17/P/02602 - Proposed two pairs of semi-detached two storey dwellings and two terraces of five two storey dwellings with associated car parking and landscaping following demolition of existing commercial B1 and B2 industrial units (scheme 3) (14 units). (Refuse 06/03/2018)

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)

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)

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). (Approve 05/12/2019). (Appeal Allowed 03/06/2020)

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. (Refuse 16/01/2020)

21/P/02588 - Variation of condition 5 re application 06/P/00548: The use hereby permitted shall not operate other than between the hours of 7:30am-8pm Mondays to Fridays (inclusive) and 8am-5pm Saturdays, and 9am - 5pm on Sundays and Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays and 8am-5pm Saturdays and 9am - 5pm on Sundays and Bank or National Holidays. (Approve 05/10/2022)

21/P02590 (Unit 4B, Burrows Lane): - Change of use of part of building (Use Class E) to two residential units (C3), minor fenestration changes and associated external alterations. (Withdrawn 26/10/2022)

Consultations:

Statutory Consultees

Surrey County Council Highways: No objection subject to conditions.

AONB Officer: No objection subject to conditions

Shere Parish Council: Objection due to overdevelopment, inappropriate mix of office / residential and the detrimental effect on neighbours

Thames Water: No comment received

Environmental Health Officer: No comment received

Planning Policy: Advise that the marketing undertaken does not reflect the requirements of development plan policy. [Officer comment: further information has been submitted which is discussed below.]

Third party comments:

21 letters of objection have been received; key issues raised are as follows:

- Inadequate car parking
- Inadequate space for manoeuvring of cars and delivery vehicles
- Traffic congestion
- Risk to highway safety
- Previous refusal for residential on site
- Over-development
- Harm to AONB
- Light pollution
- Unsustainable location
- Fencing over existing pedestrian access disappeared when Kings Court was built but is now proposed to be reinstated
- Set a precedence [Officer comment: each application is assessed on its own merits]
- Changing hours of operation impacts the access to the gate which can impact local residents
- Harm to the character of the area
- Increase of cyclists in the area
- GBC restricted the site to commercial only
- Noise and disturbance from occupants
- Conflicts between residents and office workers
- Query whether change of use is lawful as Unit 3C must have been in continuous business use for 2 years prior [Officer comment: This requirement relates to prior notification applications for permitted development]
- Lower quality accommodation
- Breach of a covenant [Officer comment: this is a civil matter]
- quality of private amenity space and living accommodation
- Maintenance difficulties with neighbouring properties

- Use for short-term/holiday lets [Officer comment: this is managed under separate legislation]
- Impact on residential amenity of Meadowside
- Inaccurate ownership plans [officer comment: the applicant has provided evidence in the application form that they have served notice on those with an interest in the land]

1 letter of support has been received; key items raised are as follows:

- Working from home considered well
- Flats could be occupied by workers at King's Court
- Reduced parking burden with no more than 2 spaces per flat
- Alternative to proposals is for a coffee roasting house which could create noise/air pollution, so this is preferable

Planning policies.

National Planning Policy Framework (NPPF), 2021:

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 11: Making effective use of land

Chapter 12: Achieving well-designed places.

Chapter 13: Protecting Green Belt Land

Chapter 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).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as being 6.46 years based on most recent evidence as reflected in the GBC LAA (2022). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2021 measurement is 144%. For the purposes of NPPF footnote 8, this is therefore greater than the threshold set out in paragraph 222 (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

P1: Surrey Hills AONB and AGLV

P2: Green Belt

E1: Meeting Employment Needs

E3: Maintaining employment capacity and improving employment floorspace

D1: Place shaping

ID1: Infrastructure and delivery

ID3: Sustainable transport for new developments

ID4: Green and blue infrastructure

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

G1 General Standards of Development

G5 Design Code

H7 Conversions

Guildford Borough Council: Development Management Policies (LPDMP) June 2022

The LPDMP can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy P6/P7: Biodiversity in New Developments

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity space

Policy D12: Sustainable and Low Impact Development

Policy D13: Climate Change Adaptation

Policy D14: Carbon Emissions from Buildings

Policy ID11: Parking Standards

Supplementary planning documents:

National:

National Design Guide (2021)

Local:

Residential Design Guide (2004)

Vehicle Parking Standards (2006)

Climate Change, Sustainable Design, Construction and Energy (2020)

Planning considerations.

The main planning considerations in this case are:

- The principle of development and impact on the Green Belt
- Loss of employment
- Impact on the character and appearance of the area
- Living environment
- The impact on neighbouring amenity
- Highway/parking considerations
- Sustainability

The Principle of Development and Impact on the Green Belt

The site is located within the Green Belt, outside of any settlement area. Policy P2 of the Local Plan enacts national planning policy as set out within the NPPF. The NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. This planning application does not seek to provide additional footprint to the Green Belt, rather it seeks a change of use from employment use to residential use. Paragraph 150 of the NPPF (2021) states that re-use of buildings, provided these are of a permanent construction, is not considered inappropriate development so long as they preserve openness and do not conflict with the purposes of including land within the Green Belt.

With regards to openness, the impact of the proposed development is not considered to be significant. The only external alteration to the existing external appearance of the buildings is an extension to an existing dormer to provide a balcony. The balcony will be inset within the existing roof space and will not result in a substantially different appearance, in relation to scale and bulk, to the outside of the building. It will be seen within the context of the existing roofscape. New boundary treatment will also be introduced to create garden space; however, the design of this can be secured by condition to ensure the proposed is not significant.

Further, given the proposed use, it is considered the proposed development would result in a de-intensification of use of the site, as such, reducing potential comings and goings.

Therefore, it is considered that as a result of the proposed development, the openness of the Green Belt will not be materially affected. The principle of the proposed development in the Green Belt is considered acceptable.

Loss of Employment

Policy E3 of the LPSS restricts the loss of employment floorspace across the Borough. In the case of this site, the site is located outside of any designated employment site and as such paragraph 12 of Policy E3 is relevant here. This states that *'redevelopment or change of use to housing use will be acceptable if evidence is provided of active and comprehensive marketing of the site for at least 12 months prior to submission of a planning application'*.

Policy E3(paragraph 14) goes on to state that *'redevelopment or change of use to a non-employment use will only be acceptable 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 infrastructure, and its impact on the amenity of the area of adjoining occupiers.'*

The supporting text to the policy confirms that a flexible approach will be applied to change of use in locations outside town centres and the boroughs key employment sites.

As noted above, planning approval is extant for the buildings to be in use as offices. A marketing statement has been provided as part of this application. Following concerns raised by the Policy Officer, further additional marketing information and clarification has also been provided by the applicant. Policy E3 of the LPSS and the accompanying Appendix 4 detail the appropriate level of information required to be submitted for active marketing information. The following sets out an assessment of the submitted marketing statement and additional information against the requirements of Appendix 4 (of the LPSS) which states that 'evidence of active marketing is to include all of the following':

a) contact information posted in a prominent location on site in the form of an advertising board (subject to advertising consent, if required)

A photo of contact information and "for sale" sign to the front of the site has been provided.

b) registration of the property with at least one commercial property agent

The marketing statement demonstrates screenshots of the development site have been on several websites, including Hurst Warne, Zoopla, Novaloca and Estate Agents Clearing House.

Rightmove, Zoopla, On The Market and Prime Location still show the development listed for sale.

The applicant has confirmed the list of agents and their appointments, in chronological order, as follows:

Owen Shipp – appointed 8 March 2018 and letter ceasing their appointment on 1st September 2020, the leads summary from Owen Shipp and the Facebook leads generated have also been provided. During their time appointed Owen Shipp managed to introduce the buyers of units 1 and 4C – in total Owen Shipp were appointed for 2 years and 6 months for these 2 sales.

Kingstons – who are a partner company with Owen Shipp – were also appointed on a joint basis towards the end of 2019 but they were basically inactive for the two months of involvement and so we parted company pretty quickly

Hurst Warne – appointed 25 September 2020 and ceased 24 May 2022 and so were appointed for a period of 1 year and 8 months. During this period they introduced the buyers of units 2, 3B and 4C and these all completed in early spring 2021.

Chesworths were appointed in August 2021 and ceased in March 2022 but failed to get any viewings

Keller Williams Appointed March 2022 – Details of listings included with the submission. They are still currently appointed as agents but they haven't generated any viewings for a few months now.

Gascoignes – appointed April 2021 and ceased at the end of June 2021 with little improvement

Robinsons – appointed in August 2022, they have had a few viewings but there has been no real interest generated and no second viewings

So, in total, the applicant has been marketing with 7 different agencies over a continuous period of 4 and a half years since March 2018

c) full property details and particulars available to inquirers on request

The photos of the site online do include internal photos of the building finished, but unfitted. Full property details could also be followed up on request. Pictures of the sales brochure for the site have also been provided which includes internal photos for some of the fitted out units.

d) property marketed for its current or last use

The property has been / is being marketed as office / commercial space.

e) property marketed at a reasonable price and terms, including in relation to use, condition, quality and location of floorspace

The sold prices (see below) show the prices of units within the site and the prices these were sold at.

Unit 4a Kings Court	£414,000
Unit 3b Kings Court	£517,080
Unit 4c Kings Court	£341,900
Unit 1 Kings Court	£159,600
Unit 2 Kings Court	£170,100

4B is available for purchase at a price of £625,000; 4A and 4C were sold for £414,000 and £341,000 respectively. The floor space in site 4B is double the size of 4C. As 3C is larger in scale, a pricing point of £535,000 is unlikely to be considered unreasonable (based on previously sold prices). The submitted information also demonstrates that the unit has also been marketed for rent without success.

f) no covenant or any other form of tie restricting the future use or operation of the property or land

There is no covenant for the site. The site is restricted by condition on the working hours, although a planning application to vary this condition to allow for longer working hours during the week and to include Saturdays was approved in October 2022. This application also sought to extend the working hours to include Sundays, however this part of the proposal was not agreed.

In addition, Appendix 4 of the LPSS states that evidence should also be submitted regarding:

a) the history of marketing, agent(s) and media used (press articles and advertisements);

History of marketing, agents and media used have been provided on the marketing statement with screenshots and web links.

b) interest in the site/premises including

- the number and details of enquiries received, the number, type, proposed uses and value of offers received;**
- reasons for refusal of any offer received, and reasons why any offers fell through;**
- the asking price or rent at which the site or property has been offered, including a professional valuation from at least three independent agents to confirm that this is reasonable and competitive (including the offer of renewal of lease to existing tenants at a reasonable market rate);**

The marketing statement explains that 20 different viewing parties have attended the site with no successful offers coming through.

Reasons for this have included a limited market, lack of local demand, isolated micro-location, overspill car parking, Covid-19, bank lending reduced and out of hours trading on the site.

No information from separate independent valuers has been submitted to confirm the price is reasonable and competitive. The pricing point for the unit is £535,000. As noted above, when compared with the sold prices for other units within the development, as 3C is larger in scale, a pricing point of £535,000 is unlikely to be considered unreasonable (based on previously sold prices).

c) flexibility in space offered, including dividing up large areas of floorspace where this is possible and practical and alternative layouts; and

The offices are small. The website postings include mention of the option of the unit being combined with the adjacent unit to provide a larger unit.

d) the reasons for prospective tenants not taking up space and how these problems have been addressed;

The submitted information demonstrates there has been flexibility in the marketing of the site, including providing the option of sale or rent, combining the unit with the adjacent unit to increase its size and offering the unit for sale unfitted or fitted out with fixtures and fittings, as well as attempts made by the various agents to attract buyers / tenants.

e) alternative marketing strategies, including management of the space by specialist third party providers.

Leaflet drops, websites e.g. Facebook and banners have been used to promote the sale of the site. The marketing of the site for rent has also been carried out.

f) the length of marketing period (at least 12 months continuous marketing), including dates; and

From the submitted marketing report and additional information provided by the applicant, Officer are satisfied that the site has been marketed for at least 12 months.

g) the length of the vacancy period.

The site is a new build and based on officer site visits and confirmation from the applicant has been fully built and subsequently vacant for approximately 2 years.

The applicant has submitted supporting comments which seeks to address this policy requirement. These are summarised as follows:

- These un-utilized commercial units were consented and built in a world quite different from the world of today; business has changed, working from home is of very high prevalence, the internet has facilitated high quality home working. The worldwide pandemic and more recent Cost of Living Crisis, interest rate hikes and the like have resulted in an environment whereby businesses are not investing in property and they are not looking for long term rental commitments.
- These units were completed 2 years ago; they have been on the market for 4 years but there has been next to no interest for sale or rent.
- The last open market sale on the site was over 18 months ago.
- Several different commercial agents have been appointed to market Kings Court.
- An opportunity for cycle retail units was prevented by the rejection of the planning application 21/P/02588 which sought Sunday working hours to facilitate such a commercial use.
- The units have been built with an extremely high level of insulation which will provide very low levels of energy use.
- Parking and vehicle movements will be significantly reduced if the use is changed to residential and which, in turn, will benefit the AONB.
- Amenity space provided, combined with excellent and accessible countryside will give an excellent quality of living to the inhabitants whilst not compromising any commercial activities.

- The locale has a void in smaller and available dwellings and so these units will provide a valuable contribution to the diversity of dwelling as well as adding to GBC housing.
- The site already has one Live/Work unit on site and these units provide further accommodation for home working in a modern environment
- The site is surrounded by residential units and has one residential unit incorporated and therefore these changes will not be out of character and will not compromise the balance of the neighbourhood.

In summary, whilst no separate valuation from independent estate agents has been provided, taking into account the length of marketing that has been carried out for the unit subject of this application, together with the additional supporting information set out above, it is considered that the submitted information satisfactorily addresses the requirements of Policy E3 in this instance and the application is deemed to be compliant with the aims of the NPPF.

Impact to character and appearance of the area

Policy D1 of the LPSS requires (1) all new development to achieve high quality design that responds to distinctive local character of the area in which its set. Section (4) requires all new development to be designed to reflect distinct local character of the area and to respond to and reinforce locally distinct patterns of development, including landscape setting. Policy G5 of the Saved Local Plan sets out criteria to ensure new development is in keeping with the surrounding area.

The site is located within the Surrey Hills AONB, as such policy P1 of the Local Plan is relevant. Policy P1 outlines that great weight will be given to the conservation and enhancement of the natural beauty of the AONB and development proposals must have regard to protecting its setting.

The application proposes internal alterations to the office space, to create a first and ground floor flat, entered from the front elevation. The existing windows and door appear as residential so this would not alter, ensuring the building remains in keeping with the locality. A boundary treatment would be set to the rear most part of the side elevation of the building, serving as a small private amenity area for the ground floor flat. A new side door is proposed to provide direct access to the amenity space. The submitted plans indicate that the proposed boundary treatment will be picket fencing, however, it is considered details of this could be secured via condition. The fence would be set behind the car parking spaces and would remain, subject to appropriate conditions, as in keeping with the locality and not materially harmful to the character of the area.

As existing, the dormer to the front elevation is a small addition to the roof and balances well with the two dormers to the northern front elevation of the building. The proposal incorporates a small increase in the width of this dormer window and the cutting away of a small section of the existing roof slope in front of the dormer window, in order to provide a balcony / amenity area for the first floor flat. Access to the balcony would be via glazed doors set back within the roof slope. Balustrading is proposed to be glazed, giving it a modern and lightweight appearance that would appear sympathetic to facing elevations of the existing building. Details of the materials for the proposed balustrade can be secured by condition to ensure they are in keeping.

The proposed changes to the dormer window would be modest and this feature would remain in keeping with the scale, proportions and character of the existing building. There would be no increase in the height of the dormer window which would remain as existing, set down significantly from the ridge of the building.

The AONB officer has been consulted on the proposals and raises no objection to the proposed development.

As a result, it is concluded that the proposed alterations to the building would not adversely impact on its character or that of the wider surroundings, including the landscape character of the AONB. The proposal therefore accords with Policies D1 and P1 of the LPSS.

Living environment

Space Standards

Policy H1(3) of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the creation of two, 1-bed apartments. The internal floor area of both apartments exceeds the minimum requirement for such a dwelling set out in the nationally described space standards. The space standards set out further requirements in terms of bedroom sizes and dimensions and it is found that the proposed dwellings also meet with these requirements.

The application proposes a very small outdoor private amenity area to the ground floor flat. It is recognised that this amenity space will be very small and set adjacent to parking spaces and overshadowed by the adjacent buildings. However, given that the internal accommodation is reasonably spacious for a 1 bedroom flat and the rural location of the site, in close proximity to nearby countryside and public footpaths, this level of outdoor amenity space is considered acceptable in this instance.

The balcony associated with the first-floor unit will have a more satisfactory outlook, and whilst a garden would be preferable in this location, for the reasons set out above, is also considered acceptable in this instance.

Noise

While noting local plan policy requirements, given the adoption of the plan in 2018, the national planning policy position in the NPPF is key and the significant material consideration. Paragraph 187 of the NPPF 2021 requires that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. Local Planning Authorities should ensure that planning decisions reflect the Agent of Change principle and take account of existing noise-generating uses in a sensitive manner when new development, particularly residential, is proposed nearby. That being said office uses should be broadly compatible in most situations with preserving the amenities of residential development.

The application site has commercial use as existing, with Block 2 utilised as a live-work unit. A variation condition planning application was recently submitted to the council (21/P/02588), which sought an extension to opening hours of the B1 office units. This application was approved in October 2022. Even with the extended working hours approved under this recent application, the times would not be considered to materially harm the amenities of the residential flats. Suitable noise insulation can be added to appropriately mitigate any harm by way of noise. Notably the habitable rooms are predominately located away from the neighbouring office units.

Outlook

The flats would be located to the southern part of Block 3. The windows to the habitable rooms at first floor would provide sufficient natural daylight and outlook.

The windows to the ground floor flat to the rear elevation, serving the en-suite, bedroom and secondary window of the living room would not have a positive outlook, with the view out to a close board fence. However, it is only the bedroom that would be a habitable room with a primary window that would have this outlook. Whilst this is not considered a good level of outlook, it is not considered so harmful as to materially harm the living conditions for future residents. The study will not have any windows but is not considered materially harmful.

The impact on neighbouring amenity

Policy G1(3) of the Saved Local Plan seeks to protect the amenity of occupants of buildings from unneighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell. Policy H4 states that permission will be granted if development does not have an unacceptable effect on amenity.

Meadowside is a two-storey dwelling located immediately west of the site. Following the receipt of amended plans, no changes are now proposed to the west elevation, which faces onto Meadowside. The relationship between the neighbour and the existing rooflight windows is already accepted. The proposal is not considered to materially alter the residential amenity, or create undue harm by way of overlooking or loss of privacy.

Hill Cottage is set sufficiently far away from the application site to not have any undue harm on their residential amenity.

The location of unit 3C in the centre of the site ensures there would be no significant impacts upon the privacy of neighbouring residential dwellings. Due to the position of Unit 3C and the positioning of the windows and proposed balcony which will face towards an existing parking area, there are also no concerns with regard to the amenities enjoyed by the occupants of the neighbouring commercial units.

The proposal would also not increase the intensity of use and of comings and goings to the site. Therefore, residential amenity of neighbouring units is safeguarded through the proposal and the proposals comply with G1(3) of the Saved Local Plan.

Highway/parking considerations

The County Highway Authority (CHA) has been consulted on the scheme and has confirmed no objection.

The proposal will utilise the existing access to the site. The CHA has advised that the proposed development is likely to see a decreased level of vehicle movements to/from the site when compared to the existing extant use. Vegetation should be regularly maintained at the site access to ensure maximum visibility splays are achievable at all times. It is not considered that the proposed development will result in a significant increase in vehicular trips on the surrounding highway network. The CHA considers that the proposal will not have a material impact on highway safety.

The applicant has confirmed that 2 of the existing spaces serving the office units will be allocated to serve the proposed residential units (1 space per flat). This parking provision accords with the Council's adopted parking standards. It is also noted that the existing use of the building as offices is likely to generate more parking demand than the residential equivalent.

A shared cycle store is proposed within the building at ground floor level which would meet the Council's requirements.

External arrangements are not indicated for refuse collection but given the existing use, details of refuse collection/management could be agreed by condition.

Overall, the highway considerations are considered to be in accordance with Policy ID3 of the LPSS, Policy ID11 of the LPDMP and the National Planning Policy Framework 2021.

Sustainability

Policy D2 of the LPSS sets out that new development needs to achieve a 20% reduction in carbon emissions through the use of renewable energy.

The proposal is for the change of use of an existing building. As the existing built form is redeveloped except that to provide the internal alterations and roof dormers, the disposal of waste materials is minimised. Sustainable lifestyles have been considered within this proposal with the inclusion of EV charging points and cycle spaces to encourage sustainable transport for a low carbon economy as well as waste storage which includes recycling bins. It is considered reasonable to apply the water efficiency condition to ensure the development achieves the higher standard of water efficiency.

Overall, the development is considered in accordance with the aims of D2, which seeks to minimise waste and include the provision of a low carbon economy.

Conclusion

The proposed development will result in the conversion of an existing office unit to residential use. It is concluded that the proposed development will not constitute inappropriate development within the Green Belt and will not have a greater impact on the openness of the Green Belt compared to the existing use. The proposal would deliver a net increase of two x 1 bedroom dwellings in a sustainable location and the proposed loss of the employment unit on the site has been sufficiently justified.

The development would not harmfully affect the character or the appearance of the site or surrounding area, would not materially impact on the residential amenities currently enjoyed by the occupants of the surrounding properties and the development would not give rise to conditions prejudicial to highway safety. It is therefore concluded that planning permission should be granted subject to conditions.