

**TO:** PLANNING & REGULATORY COMMITTEE –  
BY DELEGATION

**DATE:** 7 June 2010

**BY:** ACTING PLANNING MANAGER

**DISTRICT(S)** GUILDFORD BOROUGH COUNCIL

**ELECTORAL DIVISION(S):**  
Shere  
Mr Taylor

**PURPOSE:** FOR DECISION

**GRID REF:** 501913 146929

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**TITLE:** SURREY COUNTY COUNCIL PROPOSAL GU10/0351

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## **APPLICATION DETAILS**

**Tillingbourne Junior School, New Road, Chilworth, Surrey GU4 8NB**

**Erection of single storey building to provide two classrooms following demolition of existing double HORSAs building to North East of the site.**

### ***Applicant***

Tillingbourne Junior School

### ***Date application valid***

17 February 2010

### ***Period for Determination***

14 April 2010

### ***Amending Documents***

Arboricultural Impact Assessment received 15 April 2010.

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## **BACKGROUND**

### ***Site Description***

1. Tillingbourne Junior School is located to the south and west of the village of Chilworth approximately 1.7km east of Shalford and approximately 3.7km south east of Guildford. The school is located within the Metropolitan Green Belt. Most of the site lies outside the designated Green Belt settlement of Chilworth but 3 HORSAs buildings along the northern boundary lie within it. The school site extends to some 5.2ha and is bounded by residential properties to the north and east and open countryside to the south and west. Access to the school is gained from an access off the A248 New Road.
2. The school is a 360-place school for children between 7 and 11. The school dates from approximately the 1960's. The main school building has both three storey and single storey elements and lies in the centre of the site with playing fields to the east and west

of the main school building. The main school is a pitched roof building and is of brick construction. There is a swimming pool to the east of the main school building and it is proposed to locate the new classroom to the front of this. Three existing HORSAs buildings and an existing demountable unit lie in the northern part of the school site.

### ***Planning History***

- Recent planning history includes the granting of planning permission in September 2005 (Ref. GU05/1548) for the installation of a demountable building for use as a workspace by teachers, sited on the southern side of the main school building, for a temporary period of five years. Planning application (ref: GU06/0951) for the installation of a demountable building for use as a classroom, sited between the main school building and the school swimming pool for a temporary period of four years was approved in 2006. Also in 2006 planning permission was granted for the reorganisation and extension of the existing car park to provide bus parking for Pegasus School Transport Project and replacement car parking spaces (Ref: GU06/1496).

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## **THE PROPOSAL**

- The current proposal is for the erection of a single storey building to provide two classrooms following the demolition of the existing double horsa building to the north east of the site. The extension would measure a width of 31.4m, a depth of 6.2m and a maximum height of 3.7m covering 194.6sqm. The building would be constructed of timber cladding to the elevations and felt shingle to the roof and would be located to the immediate north of the existing swimming pool. The extension would provide 2 classrooms with toilet facilities. The existing horsa building to the north east of the site is to be demolished as it is sub-standard. This building measures a width of 42.9m, a depth of 8m and a maximum height of 4.6m covering 343.2sqm. The new proposal would result in a reduction in floor area by 148.6sqm. The proposal would not result in the increase in pupil numbers.

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## **CONSULTATIONS AND PUBLICITY**

### ***District Council***

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|----|---------------------------|--|
| 5. | Guildford Borough Council | No objection subject to conditions including the protection of two large laurels and a willow tree |
|----|---------------------------|--|

### ***Consultees (Statutory and Non-Statutory)***

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|----|------------------------|------------------------------------|
| 6. | County Arboriculturist | No objection subject to conditions |
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### ***Parish/Town Council and Amenity Groups***

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|----|-------------------------|----------------------|
| 7. | Shalford Parish Council | No objection         |
| 8. | Wonersh Parish Council  | No comments received |

### ***Summary of publicity undertaken and key issues raised by public***

- The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 38 of owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation have been received.
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## PLANNING CONSIDERATIONS

10. The development is located within the Green Belt outside of any identified settlement boundary and it is necessary to consider whether it constitutes inappropriate development. As such a key issue is the impact on the openness of the Green Belt and whether very special circumstances exist to justify the proposal.
11. The impact of the development in terms of its visual and residential amenity will be assessed below. A number of trees are to be removed in order to accommodate the new building as such the impact on this will be assessed. The development will be assessed against relevant policies within national Planning Policy Guidance, The South East Plan 2009 and the Guildford Borough Local Plan 2003.

## GREEN BELT

### National Guidance

Planning Policy Guidance Note 2 – Green Belts

### The South East Plan 2009

Policy SP5 – Green Belts

### Guildford Borough Local Plan 2003

Policy RE2 – Development within the Green Belt

12. Government advice on Green Belts is set out in Planning Policy Guidance Note 2 (PPG2)  
Green Belts. Paragraph 1.4 within the guidance outlines that the most important attribute of the Green Belt is its openness and states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl through keeping land permanently open”* and ensuring that development occurs in locations allocated in development plans. Paragraph 3.2 of the guidance note states that *“inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted”*. There is a presumption against development other than for a small range of uses deemed to be compatible with the objectives of the Green Belt. Where a proposal does not fall within any of the categories of development, which can be considered appropriate in the Green Belt *“very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*. The proposal does not fall within any of these categories therefore constitutes inappropriate development.
13. Paragraph 3.15 of PPG2 goes on to say that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.
14. Policy SP5 of the South East Plan 2009 sets out the southeast regional view on Green Belt. Under the policy, Green Belts in the region are to be retained and supported and the opportunity taken to improve their land use management and access as part of initiatives to improve the rural urban fringe. Policy RE2 of the Guildford Borough Local Plan 2003 states that planning permission will not be permitted for inappropriate development which is by definition harmful to the Green Belt. The policy states that some uses of land in the Green Belt may require new buildings for essential facilities. The Borough Council will require evidence that such facilities are essential as well as evidence of the environmental impact and proposals for minimising such impact.
15. The proposed building would replace an existing Horsa building on the site and would see a considerable reduction in its width, depth and height and subsequently a

reduction in floor area of 148.6sqm, half the size of the building that it would replace. The existing Horsa building is not fit for purpose and is in need of upgrading given its age and current state of repair. The proposed building would be located closer to the existing school buildings and within the envelope of the existing built form creating better integration within the site. The new building would also be located partly on existing hard standing.

16. Officers consider that the above factors, when taken together constitute very special circumstances which clearly outweigh the harm in terms of inappropriate development in the Green Belt, such that an exception to policy can be made. The harm due to inappropriateness is limited due to the scale and location of the building. Replacing the building in the same location as the structure to be demolished would not make efficient use of the space and whilst this is within the settlement boundary, the location of the proposed building would be more functional and within a cluster of built form limiting the impact on the openness of the Green Belt. The proposal would provide a net benefit to the openness of the Green Belt.

## **VISUAL AND RESIDENTIAL AMENITY**

### **The South East Plan 2009**

Policy BE1 – Urban Focus and Urban Renaissance

### **Guildford Borough Local Plan 2003**

Policy R5 – Protected Open Space

Policy CF4 – Expansion of Schools

Policy G5(2) – Scale, Proportion and Form

Policy G1(3) – Protection of Amenities Enjoyed By Occupants Of Buildings

17. Policy BE1 of the South East Plan 2009 states that local authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment, they will promote and support design solutions relevant to context and which built upon local character, distinctiveness and sense of place.
18. Policy CF4 of the Guildford Borough Local Plan states that planning permission will be granted for the expansion of schools providing the proposals are in compliance with policy R5 protected open space and the proposed development would not detract from the character and appearance of existing buildings and the surrounding area. Policy G5(2) states that new buildings should respect the scale, height and proportions and materials of the surrounding environment. Policy G1(3) states that the amenities enjoyed by occupants of buildings are protected from neighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell.
19. The eastern most existing HORSA building is sub-standard and is to be demolished. The proposed replacement building would be located between the playground and the swimming pool closer to the main school building to allow better integration within the site. The building would provide two classrooms with toilet facilities. The location of the building would not be on protected open space.
20. The replacement building would have a reduction in its width, depth and height and subsequently would have a reduction in floor area by 148.6 sq m. The building would be constructed of timber cladding on the elevations and felt shingle to the roof. Guildford Borough Council have requested that a condition is placed on the approval requesting that details of the proposed materials are submitted to the County Planning Authority for approval. Officers do not consider that this would be necessary given that details have been provided in regard to the external materials with the walls to be clad in timber in either Sagasso Sea (green) or Antler (brown) and the roof is to be asphalt felt shingle.

Officers are satisfied with the above and do not consider that details need to be submitted for approval, as such this condition will not be placed on the approval in this instance.

21. The proposed building would be a functional building which would be in character with its educational setting and would not detract from the character and appearance of the existing buildings and surrounding area. The building would be of a better design than the existing Horsa and would be more appealing in terms of its appearance.
22. The proposed building would be located more centrally within the school site and 20m from the rear boundaries of the neighbouring dwellings to the north and a further 40m to the actual dwellings. There are no other dwellings within close proximity to the site. Due to the proposed separation distance and the single-storey nature of the proposal no adverse impact on neighbouring amenity would result. The proposal would therefore comply with policy G5(2) and G1(3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07).

## **TREES**

### **Guildford Borough Local Plan 2003**

Policy NE5 – Development Affecting Trees, Hedges and Woodlands

23. Policy NE5 of the Guildford Borough Local Plan states that if the removal of any trees is permitted as part of a development, a condition may require that an equivalent number (or more) of new locally native trees be planted either on or near the site.
24. There are a number of small trees located on the site of the replacement building. An Arboricultural Impact Assessment has been submitted and confirms that a total of 13 grade C trees will need to be felled in order to accommodate the proposed development. These trees are of no great merit and their loss will not have significant impact upon the wider landscape. As such their removal is considered acceptable subject to a number of recommended conditions from both the County Arboricultural Officer and Guildford Borough Council which include the following:
25. Guildford Borough Council request that 13 trees are replanted to an alternative location on the site and to ensure the protection of two large Laurel bushes and the over mature Willow sited to the west of the proposed building. The County Arboriculturist requests that a landscape plan is submitted detailing the number of trees proposed, species, size and required maintenance and suggests that the two for one replacement-planting ratio should be applied.
26. Officers consider that thirteen trees would need to be replanted in place of those that are being removed. The details and location of these can be included in the landscape plan which Officers consider can be submitted prior to occupation of the new building. Guildford Borough Council request that details of the tree protection measures of the two laurels and willow tree should be submitted to and approved in writing by the County Planning Authority. After further consultation with the County Arboriculturist, Officers consider that the location of these trees in relation to the proposed building means there is no reasonable risk of them being adversely impacted by the construction of the proposed development and as such do not consider that a condition requesting details of tree protection measures would be necessary in this instance.

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## **HUMAN RIGHTS IMPLICATIONS**

27. The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
  28. The Officer's view is that there are no impacts on amenity. This proposal does not engage any of the articles of the Convention and has no Human Rights implications.
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## **CONCLUSION**

29. Officers consider that Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt and any other harm. These factors which when combined amount to very special circumstances are: the considerable reduction in the scale of the proposed building when compared to the building that it is replacing; the need to upgrade the existing Horsa building, the location of the building closer to the envelope of the existing school buildings and the location partly on existing hard standing.
30. Officers do not consider that the proposal would result in harm due to an adverse impact in terms of visual or residential amenity and that the removal of the trees would be acceptable subject to the suggested planning conditions.

## **RECOMMENDATION**

31. That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. GU10/00351 be permitted subject to the following conditions.

### Conditions:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:
  - Site Plan, Drawing number BA09/107-01 dated 29/01/10
  - Block Plan, Drawing number BA09/107-02 dated 29/01/10
  - Proposed replacement building plans and elevations, Drawing number BA09/107-03 Rev A dated 27/01/10
  - Existing Horsa building plans and elevations, Drawing number BA09/107-04 dated 29/01/10

No variations and/or omissions shall take place without the prior written approval of the County Planning Authority.

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
3. The proposed building shall not be erected other than in the following materials, or such other materials as have first been approved in writing by the County Planning Authority:

Walls: Timber cladding to be painted either Sagasso Sea (green) or Antler (brown)

Roof: Asphalt felt shingle

4. Prior to occupation of the proposed building or completion of the development, whichever is the sooner, a landscape plan detailing the species, size, location and required maintenance of thirteen replacement trees shall be submitted to and approved in writing by the County Planning Authority. Only the approved details shall be implemented. Any trees which within a period of 5 years from the completion of the building, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. The proposed development shall be carried out in strict accordance with the Arboricultural Impact Assessment dated 18th March 2010 submitted with the application.
6. The HORSAs building proposed for demolition as part of the proposal shall be demolished not later than 3 months from the date of the first occupation of the replacement building.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
3. To ensure that the external appearance of the building is satisfactory in accordance with policy G5(2) and CF4 of the Guildford Borough Local Plan 2003.
4. In the interests of visual amenity in accordance with policy G5(2) and CF4 of the Guildford Borough Local Plan 2003.
5. In the interests of visual amenity in accordance with policy G5(2) and CF4 of the Guildford Borough Local Plan 2003.
6. In the interests of visual amenity in accordance with policy G5(2) and CF4 of the Guildford Borough Local Plan 2003.

Informatives:

1. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Design Note 18 'Access for Disabled People to Educational Buildings' published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
2. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
3. In accordance with the Wildlife and Countryside Act - 1981, Conservation - Natural Habitats -Regulations 1994 and Countryside Rights of Way Act - 2000, consideration must be given to the timing and type of tree work operations, to avoid causing disturbance to any nesting/breeding birds or bat roosts that may be present within trees and hedgerows. The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

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**THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(ENGLAND) (AMENDMENT) ORDER 2003**

**Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.**

The reasons for the grant of planning permission are as follows:

- 1 The development is inappropriate development and is not in accordance with development plan policies controlling the types of development normally permitted in the Green Belt. However the following factors together amount to very special circumstances which outweigh the policy constraint in the development plan and there are no other material considerations which indicate otherwise;

- The considerable reduction in floor area of the proposed new building when compared to the one that it is replacing
  - The need to upgrade the existing building;
  - Location closer to the main group of buildings
- 2 it is considered that the development will provide the following benefits; upgraded teaching facilities for the School and
- 3 any other harm can be adequately mitigated by the measures proposed in the application and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/ provisions:

**The South East Plan May 2009**

Policy SP5 – Green Belts

Policy BE1 – Urban Focus and Urban Renaissance

**Guildford Borough Local Plan 2003:**

Policy RE2 – Development within the Green Belt

Policy CF4 – Expansion of Schools

Policy R5 – Protected Open Space

Policy G5(2) – Scale, Proportion and Form

Policy G1(3) – Protection of amenities enjoyed by the occupants of buildings

Policy NE5 – Development affecting trees, hedges and woodlands

**HUMAN RIGHTS ACT 1998**

**GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the



country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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**CONTACT**

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**BACKGROUND PAPERS**

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

**Government Guidance**

PPG2: Green Belts

**The Development Plan**

The South East Plan 2009

The Guildford Borough Local Plan 2003

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