

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 18 OCTOBER 2017

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) GUILDFORD BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Worplesdon
Mr Witham

PURPOSE: FOR DECISION

GRID REF: 494042 151926

TITLE: WASTE APPLICATION REF. GU09/P/00482

SUMMARY REPORT

Aldershot Car Spares, Chapel Farm, Guildford Road, Normandy, Guildford, Surrey GU3 2AU

The erection of a replacement de-pollution building.

The application site is situated within the Metropolitan Green Belt. It forms part of a large square area of densely developed land measuring some 7ha in total. This land comprises a number of differing planning units of various shapes, sizes and land-use classes including residential, commercial, and sui generis waste management. The application site abuts a long-established mobile home residential park to the south and east as well as other commercial and/or industrial operations to the west. There are also two Grade II Listed residential buildings on land adjoining the application site to the west and southwest.

The proposal is for the erection of a replacement de-pollution building some 5m from the eastern boundary of the application site adjacent to mobile homes. The location of the proposed building relative to the application site is shown on Drawing Ref. Block Plan Proposed GU/206/1/IE/103A dated 3 March 2016.

The proposed building will take the form of a large open fronted steel framed shed and have a floor area of approximately 1,248m². The building would measure 12.5m to the eaves and 14m to the ridge. The eastern end of the building adjacent to the boundary with mobile homes would be stepped down to 10m, although the effective height of the building would be slightly reduced by approximately 0.5m due to differences in ground levels to adjacent land. The building would have a depth of 33.2m and measure some 36m wide at the eastern end and some 39m wide at the western end.

A total of 86 letters of representation have been received by the County Planning Authority (CPA) raising objection to the proposed development.

The proposed building is to be erected on land lawfully used for end-of-life vehicle scrap yard activities as provided for by LDC Ref. GU93/P/00977. This LDC does not and cannot restrict vehicle movements in respect of site activities. The only restriction in this regard is imposed by way of the Environmental Permit associated with the end-of-life vehicle facility. This permit, which falls within the remit of the Environment Agency, restricts the annual throughput of scrap metal to no more than 75,000 tonnes and by association the number of end-of-life vehicles to be processed by the facility each year.

Considering the lawful use of the application site the County Highway Authority has not objected to the development. However, given the scale of the proposed building and considering site constraints in respect of space, the County Highway Authority has requested that a condition be

imposed on any permission granted so as to secure the submission of a Construction Transport Management Plan prior to any construction activities taking place. Such a plan would seek to ensure that construction and delivery vehicles relating to the proposed building would be managed such that they do not endanger or cause inconvenience to other road users.

The CPA's Noise and Air Quality Consultants have assessed the proposed development and raised no objection. It is considered that the proposal may lead to a reduction in noise generated by vehicle de-pollution activities given that such activities would take place within a mostly-enclosed building. Moreover, considering that the nature of existing activities would not change as a result of the proposed building, it is considered that there is no likely potential for additional dust or other pollutants compared with existing operations. It is possible that nuisance dust effects occur during the construction of the new building; however, these effects would be minor, temporary and short-lived. Having regard to the aforementioned, the CPA's Air Quality Consultant has not raised objection to the development. Similarly, the Environment Agency has not raised objection to the development.

However, whilst the proposed building would provide some noise attenuation, due to the close proximity of the mobile home park, the CPA's Noise Consultant considers that the operation of plant in the location of the proposed building, even within the proposed building, may well result in significant noise effects. The applicant has not provided any form of noise assessment to demonstrate that the opposite is true or that any such effects could be suitably mitigated.

The Lead Local Flood Authority (LLFA) has considered the proposed development and has raised no objection to it. The LLFA has stated that it appears that the proposed building would not significantly increase flood risk and so is considered to have no impact on surface water run-off rates and volume. This is due to the fact that there would be no change to the pre and post development run-off rates of surface water and volumes which have little significant impact on run off on site or elsewhere. The existing surface water drainage system was designed to cater for the existing impermeable concrete surface of the application site.

The proposed building will not have any impact on designated landscapes owing to the location of the proposed building within the Chapel Farm complex. Officers also acknowledge that the proposed building may bring about some improvements to the immediate environment in terms of landscape and visual amenity i.e. a slight improvement on night-time views from the reduction in numbers of lighting columns; limited screening of unsightly site operations and storage of scrap metal; and a slight beneficial effect on noise reduction, thereby enhancing tranquillity in the landscape.

However, at the same time the proposed building would have an adverse impact on the local landscape as an incongruous element in the surrounding rural setting; adversely affect visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adversely affect the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight. There appear to be no practical measures which the applicant could adopt to mitigate such adverse impacts.

Guildford Borough Council consider that the proposed building, by virtue of its scale, bulk and massing and proximity to the neighbouring residents of the mobile homes located to the east and south of the application site, is likely to result in an adverse impact on the occupants of 18, 39 and 37 Chapel Farm Mobile Home Park and may result in an unacceptable loss of light to the occupants of 39 Chapel Farm Mobile Home Park.

Government advice is that development should contribute positively to making places better for people in terms of the character and quality of the area in which it is to take place. Officers do not consider that the building proposed would bring about such positive change.

The applicant has previously succeeded in gaining planning permission for a modest permanent de-pollution building on the western boundary of the application site. This consent was not implemented by the applicant. No justification has been provided as to why a similar sized

building would not continue to be appropriate for the operations on the application site nor has any explanation been provided as to why a significantly larger building is required for activities/operations which are largely congruent with those that were to take place in the previously permitted building.

Surrey County Council's Historic Buildings Officer has assessed the proposed development and not raised objection. He has commented that it is impossible to tell on the ground the historic land held with the listed buildings concerned or the nature of farming in the area; and that the wider settings of the buildings have been seriously matted by development of the Chapel Farm complex around them. Nevertheless the Historic Buildings Officer considers that the proposed building is at a sufficient distance from the listed buildings so as to negate any material visual impact on the same. He also considers that the tranquillity of the immediate area may be slightly improved as a result of some existing activities being moved to within the proposed building. Accordingly, he does not consider that the heritage policies of the Framework are contravened in any way by the proposed building.

In this instant case, given the industrial nature and scale of the proposed building, Officers consider that it would have a permanent material impact on the openness of the Green Belt irrespective of it being located within an existing waste management facility. Accordingly, there is a presumption against the grant of consent for the proposed development except in very special circumstances. Very special circumstances to justify the proposed building in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this regard the applicant seemingly relies upon the characteristics of the application site. The applicant explains that the lawful use of the application site is for vehicle breaking; and that the proposed building is the last step in bringing the site up to modern standards and would significantly improve the environment for adjoining residents in terms of visual amenity and noise.

However, Officers do not consider that the characteristics of the application site, as set out by the applicant, amount to very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of the: inappropriate nature of the proposed building; permanent material harm it would cause to the openness of the Green Belt; adverse impact the building would have on the local landscape as an incongruous element in the surrounding rural setting; adverse affect the building would have on visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adverse affect the building would have on the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight.

The recommendation is to REFUSE planning application Ref. GU09/P/0482

APPLICATION DETAILS

Applicant

Aldershot Car Spares

Date application valid

24 March 2009

Period for Determination

23 October 2017

Amending Documents

Ian Ellis letter dated 7 March 2016

Drawing Ref. Site Location Plan GU/206/1/IE/101 dated 3 March 2016;
 Drawing Ref. Block Plan Existing GU/206/1/IE/102 dated 3 March 2016;
 Drawing Ref. Floor Plan Proposed GU/206/1/IE/104 dated 3 March 2016;
 Drawing Ref. Elevations Proposed GU/206/1/IE/105 dated 3 March 2016;
 Design, Access and Planning Statement dated March 2016;
 Application for Planning Permission dated 23 January 2009;
 Ian Ellis email dated 16 November 2016;
 Drawing Ref. Block Plan Proposed GU/206/1/IE/103A dated 3 March 2016;
 Drawing Ref. Proposed, Showing Other Buildings etc. GU/206/1/IE/106A dated 3 March 2016;
 Drawing Ref. Proposed, Showing Other Buildings etc. GU/2061/IE/107A dated 3 March 2016;
 Landscape Appraisal dated January 2017;
 Daylight and Sunlight Study dated 8 February 2017;
 Ian Ellis email dated 30 June;
 Ian Ellis letter dated 14 July 2017.

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Highways, Traffic and Access	Yes	40 - 49
Air Quality and Noise	Yes	50 - 60
Flood Risk	Yes	61 - 70
Landscape, Visual Impact and Residential Amenity	No	71 - 108
Heritage Assets	Yes	109 - 120
Metropolitan Green Belt	No	121 - 146

ILLUSTRATIVE MATERIAL

Site Plan

Drawing Ref. Block Plan as Existing GU/206/1/IE/102 dated 3 March 2016
 Drawing Ref. Block Plan as Proposed GU/206/1/IE/103A dated 3 March 2016
 Drawing Ref. Elevations as Proposed GU/206/1/IE/105 dated 3 March 2016
 Drawing Ref. Proposed, Showing Other Buildings etc. GU/2061/IE/107A dated 3 March 2016

Aerial Photographs

Aerial 1 - Normandy Auto Salvage, Chapel Farm, Guildford Road, Normandy
 Aerial 2 - Normandy Auto Salvage, Chapel Farm, Guildford Road, Normandy
 Aerial 3 - Normandy Auto Salvage, Chapel Farm, Guildford Road, Normandy

Site Photographs

Figure 1 – Existing Temporary Structures
 Figure 2 – Open Yard Area
 Figure 3 – Proposed Location of Building within Yard
 Figure 4 – 39 Chapel Farm Mobile Home with Site Boundary Wall

BACKGROUND

Site Description

1. The application site¹ is an established end-of-life vehicle scrap yard and measures some 0.45ha. It is located between Guildford² to the east and the village of Normandy³ to the west. Vehicular access to the application site is gained via private access road off the A325 Guildford Road which provides a direct link between Guildford to the east and Aldershot, Hampshire to the west.
2. The application site is situated within the Metropolitan Green Belt. It forms part of a large square area of densely developed land measuring some 7ha in total. This land comprises a number of differing planning units of various shapes, sizes and land-use classes including residential, commercial, and sui generis waste management⁴. The application site abuts a long-established mobile home residential park to the south and east as well as other commercial and/or industrial operations to the west. There are also two Grade II Listed residential buildings on land adjoining the application site to the west⁵ and southwest⁶.
3. The landscape surrounding the large square area of developed land is characterised by open agricultural fields and woodland copses. It has a distinctly rural feel with locally developed land being defined by ribbon development along principal highways e.g. A323 Guildford Road, Bailes Lane, and Glaziers Lane. In this respect, the large square of developed land, which extends into undeveloped countryside, is out of keeping with the surrounding development and land-use pattern.
4. The nearest dwellings to the application site are those mobile homes situated along its eastern and southern boundaries⁷.
5. The Thames Basin Heaths Special Protection Area (“SPA”), Ash to Brookwood Heaths Site of Special Scientific Interest (“SSSI”), and the Thursley, Ash, Pirbright, Chobham Special Area of Conservation (“SAC”) lie some 1.35km northwest of the application site. Whilst the Henley Park Fields Site of Nature Conservation Importance (“SNCI”) is situated some 360m northwest and 390m west of the appeal site respectively, together with the Witherby Copse SNCI⁸, Normandy Pond SNCI⁹, and the Backside Common SNCI¹⁰.

Planning History

6. The lawful use of the application site for an end-of-life vehicle scrap yard site was established under lawful development certificate (LDC) Ref.GU93/P/00977 granted by Guildford Borough Council in 1993 with no planning conditions or restrictions. Since this time a number of planning proposals have been advanced by the applicant in respect of the application site:

¹ Aldershot Car Spares

² About 3.6km from the application site

³ About 550m from the application site

⁴ 2020 Recycling, otherwise known as Penrhyn

⁵ HER Ref. 8301, Chapel Farm House, some 50m distant

⁶ HER Ref. 8387, The Homestead, some 85m distant

⁷ Mobile home Nos. 39, 18, 37, 1, and 2

⁸ Some 525m to the northwest

⁹ Some 960m to the west

¹⁰ Some 850m to the south

Consent Ref.	Description	Decision and Date
08/P/00689	Replacement de-pollution building and metal store building, weighbridge office and staff facilities, new 3.2m and 2.4m high boundary wall, surface water drainage system and external lighting.	Withdrawn
09/P/00482	The erection of a replacement de-pollution building ¹¹ .	Undecided
09/P/00904	Erection of a de-pollution structure and the provision of a portacabin to be used as a weighbridge office and staff facilities and the retention of a night watchman's caravan all for a temporary period of one year.	Permitted in August 2009
09/P/01490	Retention of weighbridge, weighbridge office and staff facility and surface water drainage.	Permitted in November 2009
09/P/00903	Retrospective application for weighbridge and weighbridge office and staff facility building, new 3.2m and 2.4m high boundary walls, surface water drainage system and external lighting.	Permitted on appeal ¹² in March 2010
10/P/01792	Continued use of temporary de-pollution building for a further two years.	Permitted in December 2010 until December 2012
11/1915	Erection of permanent de-pollution building on western boundary.	Permitted in February 2012
12/P/02125	Retention of night watchman's caravan.	Permitted in February 2013
14/0028	Retention of night watchman's caravan in a different location.	Permitted in June 2014
14/P/01661	Retention and use of a temporary de-pollution structure, including canopy, fluid tanks and portable office for a temporary period of two years.	Permitted in November 2014 until November 2016

THE PROPOSAL

7. The subject application seeks planning permission for the erection of a replacement de-pollution building to be erected some 5m from the eastern boundary of the application site adjacent to mobile homes. The location of the proposed building relative to the application site is shown on Drawing Ref. Block Plan Proposed GU/206/1/IE/103A dated 3 March 2016.
8. The proposed building will take the form of a large open fronted steel framed shed and have a floor area of approximately 1,248m². The building would measure 12.5m to the eaves and 14m to the ridge. The eastern end of the building adjacent to the boundary

¹¹ This is development which is the subject of this report

¹² Appeal Ref. APP/B3600/A/09/2115803

with mobile homes would be stepped down to 10m, although the effective height of the building would be slightly reduced by approximately 0.5m due to differences in ground levels to adjacent land. The building would have a depth of 33.2m and measure some 36m wide at the eastern end and some 39m wide at the western end.

9. There will be single opening on the western elevation of the proposed building, facing away from mobile homes and towards the adjacent waste recycling facility at Penrhyn. The three external walls of the building will comprise a lower 2.4m section of breeze blocks with profiled plastic coated metal cladding above.
10. The proposed building would be used for end-of-life vehicle de-pollution activities where vehicles are drained of fluids and dismantled into salvageable parts. A mobile crane will operate in the building. The applicant has confirmed that building will not be used to house or operate a shear baler¹³. Such plant will continue to be operated in the open yard area of the application site on an ad-hoc basis.
11. Currently end-of-life vehicle de-pollution activities take place in the open and within an existing temporary structure located in the north-western corner of the application site. The applicant submits that this temporary structure would be removed from the site should planning permission be granted for the proposed building. Further, items such as existing fluid storage tanks along the western boundary of the application site would be relocated to within the proposed building.
12. The applicant states that the proposal would enable the application site to be upgraded to provide modern vehicle breaking and de-pollution facilities. The applicant's intention is for vehicle de-pollution activities to be undertaken in one large building thereby mitigating the impact¹⁴ of such activities on adjacent mobile homes.
13. The applicant has also submitted that the capacity at their sister site in Aldershot cannot be significantly increased to meet the implications of the change in European targets that now apply to the UK¹⁵. Accordingly, proposed building would enable the applicant to respond to these challenges.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

- | | | |
|-------------------------------|---|---|
| 14. Guildford Borough Council | - | The proposed development would represent inappropriate development within the Green Belt and would have an adverse impact on its openness. As such very special circumstances will need to be demonstrated that would clearly outweigh the harm caused to the Green Belt by virtue of its inappropriateness and any other harm. The proposed building, by virtue of its scale, bulk and massing and proximity to the neighbouring residents of the mobile homes located to the east and south of the application site, is likely to result in an adverse impact on the occupants of 18, 39 and 37 Chapel Farm Mobile Home Park and may result in an unacceptable loss of light to the occupants of 39 Chapel Farm Mobile Home Park. |
| 15. The Environment Agency | - | No objection subject to conditions. |

¹³ Ian Ellis email dated 30 June 2017

¹⁴ Visual impact; artificial lighting; and noise

¹⁵ The applicant reports that these changes have driven an increase in end-of-life vehicles.

16. Surrey Wildlife Trust - No views received.
17. Natural England - No objection.
18. County Highway Authority - No objection subject to a condition. As the principle of the use of the site has already been established, the only highway concerns relate to the construction of the proposed building. As the site is constrained, particularly if the existing activities are continued whilst construction takes place, the construction of the building will need to be managed to ensure that there is no adverse impact on the public highway.
19. Lead Flood Authority - No objection. Based on current information, it appears that the proposed development does not significantly increase the flood risk and so is considered as to have no impact on run-off rates and volume. It appears that the existing drainage of the site was designed to cater for the existing impermeable area on which the building is to be constructed. It seems therefore, that the proposed development would have negligible impact on the existing drainage arrangements on site.
20. SCC Historic Buildings Officer - No objection. The setting of Chapel Farm Cottage will be visually no worse and may be acoustically slightly improved as a result of the proposed development.
- Owing to the distance. I do not believe the setting of The Homestead will be materially affected in any way. The heritage policies of the NPPF are not contravened by the proposed development.
21. SCC Noise Consultant - No objection subject to conditions. Currently, de-pollution activities take place in the open anywhere on the site. The proposal would allow some of these activities to take place within the building which is a positive improvement. The position and orientation of the building would provide screening to parts of Chapel Farm Mobile Home Park from other parts of the site, which is a positive measure. The building's opening would be directed away from the mobile homes which is also a positive measure.
22. SCC Air Quality Consultant - No objection. Taking into account the fact that activities will take place within a mostly-enclosed building, the proposal may lead to a reduction in activities in the open yard, and the nature of the activities is not changing, there is no likely potential for additional dust, odour and/or other pollutants compared with existing operations. It is possible that nuisance effects occur during the construction of the building; however, these effects will be minor, temporary and short-lived.
23. SCC Landscape Architect - No objection. I would concur with the findings of the applicant's landscape appraisal and its conclusion. The development would have an adverse impact on the landscape as an incongruous element in the surrounding rural setting. However, the development will appear no

more incongruous than is currently the case, and does have the potential to improve landscape amenity by screening unsightly site operations, and reducing noise, so slightly enhancing tranquillity for neighbours. There is no landscape mitigation possible due to the hard surfaces on site, and so mitigation that is possible is achieved by siting the building where it is best screened by existing vegetation.

24. SCC Environmental Consultant - Further information requested. Based on the information provided by the applicant, the calculated loss of light falls outside the BRE guidelines which means that the daylight within a room of 39 Chapel Farm Mobile Home Park would be adversely affected.
25. Thames Water - No objection.
26. Affinity Water - No views received.

Parish/Town Council and Amenity Groups

27. Normandy Parish Council - Strong objection. The proposal is totally inappropriate in such close proximity to residential accommodations which are in the main residences of retired and older people. The building is too close to residential accommodation to be acceptable. The sheer bulk of the building is unacceptable so close to the Surrey Hills AONB and will be an eyesore in the local community. If SCC permits the proposal restrictions must be put in place to ensure that operations are curtailed at weekends, bank holidays, after 1800 hours and before 0800 hours daily. SCC should also take into consideration that a similar facility exists less than 5 miles away in North Camp, Hampshire.
28. Chapel Farm Park Residents Association - Strong objection. The development proposed is unacceptable owing to its location within the Green Belt, the enormous proportions of the building, noise, dust, health issues.

Summary of publicity undertaken and key issues raised by public

29. The application was first publicised in April 2009 by the posting of 4 site notices and placing an advert in the local newspaper. A total of 178 of owner/occupiers of neighbouring properties were directly notified by letter at this time. A further round of publicity was undertaken on 8 June 2016 following amendment of the proposal. This involved the posting of 2 site notices and notification letters being sent to a total of 180 interested parties including owner/occupiers of neighbouring properties. Following receipt of further technical supporting information and amendment of the description of the proposal a further consultation exercise was undertaken on 24 February 2017.
30. A total of 86 letters of representation have been received by the County Planning Authority (CPA) raising objection to the proposed development. A summary of the material planning concerns raised in respect of the proposed building are summarised below:

Metropolitan Green Belt

- If the building goes ahead this will create a dangerous precedent in the Green Belt.
- The proposal is for industrial development and unacceptable in the Green Belt.
- The sheer size and scale of proposals are inappropriate in the Green Belt.
- The building is not necessary; the operator has been trading many years without it.

Landscape, Visual Impact and Residential Amenity

- The monstrous structure will be out of keeping with the area.
- The approximately 13m high building would rise above the trees planted to hide the site.
- The building will obscure views of the horizon for many mobile home residents.
- Height of the building will dominate the outlook for all 133 mobile home residents.
- Material and character of building provide a heavy industrial outlook to residents.
- The development impinges the views of ramblers using local footpaths and surrounding hills.
- The building would deprive light from the already planted trees which they need to grow to screen the site.
- The building will be very close to mobile homes and five homes are only feet way.
- The approximate 13m high building will cut natural light to mobile homes especially mobile homes number 39 and 18.
- The building will be colossal and overshadow the mobile home gardens and would prevent people enjoying their gardens.
- Building would cut out sunlight and daylight to dwellings in the day.
- Proximity of the proposed large building would be a gross intrusion on the surrounding dwellings.
- The building is of unacceptable proportion and will overshadow neighbouring dwellings.
- The proposal is contrary to Article 8 of the European Convention on Human Rights i.e. right to respect for private and family life

Noise

- The site already produces a lot of noise, and the building and activities inside it will create more noise.
- The proximity of the building is too close to adjoining residential properties.
- The planted line of trees around the boundary does not screen noise and disturbance from the yard.
- The building will not reduce noise levels.
- Will the building containing the machinery be soundproofed?
- A lack of insulation in the building will give rise to unacceptable noise levels.
- The majority of mobile home park residents are elderly and noise from the site is a burden and disturbs the peace and tranquillity.
- Use of plant, equipment and machinery including forklifts on site is already noisy.
- Filling of skips with dismantled parts causes excessive noise.

Highways, Traffic and Access

- There will be excessive vehicle movements.
- Increased throughput of scrapped cars means more traffic on the roads to the site.
- There will be a significant increase in traffic along the A323 and B roads such as

- Glaziers Lane.
- The proposal will cause more traffic on the road where a 30mph speed limit is often ignored.
- Increased traffic generation if operating between Normandy and sister site in Aldershot.
- The site entrance is very narrow and causes queues.
- Narrow entrance will cause traffic jams on two dangerous bends outside the site while vehicles wait for the access to clear of outgoing traffic.
- Very large vehicles will use the site and will make the roads unsafe.
- Some local roads adjoining the A323 are unsuitable for heavy traffic and will suffer.

Flooding

- The site receives considerable water runoff from nearby hillside.
- Laying of concrete surface for entire site will cause water run-off to pedestrians and traffic outside of the site.
- Risk of flooding by contaminated rainwater runoff to the main road.
- Potable water supply runs through the site and would be underneath the proposed building. How would the water company repair the pipe if it's under a building?

31. Notwithstanding the above, the CPA has also received two petitions on behalf of the residents of the mobile home park adjacent to the application site¹⁶ and Normandy village¹⁷. Both petitions raise strong objection to the proposed development on the basis that its scale would have an adverse impact on local amenity.

PLANNING CONSIDERATIONS

Introduction

32. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
33. In this case the statutory development plan for consideration of the application comprises the [Surrey Waste Plan 2008 \(SWP\)](#) and the [Guildford Local Plan 2003 \(GLP\)](#). In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory.
34. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: the implications of the proposed building in respect of air quality, noise, flood risk, landscape and visual impact, heritage assets, and residential amenity; and whether there are one or more factors which, taken together, amount to very special circumstances which clearly outweigh the harm caused to the Metropolitan Green Belt by reason of inappropriateness and any other harm.
35. Notwithstanding the above, and having regard to the representations received from interested parties, Officers consider that there are a number of important matters which require clarification for the reader and decision maker.

¹⁶ Signed by 112 residents

¹⁷ Signed by 144 residents

36. First, the development for which planning permission is sought is the erection of a building and the use of that building for the purposes for which it is to be erected¹⁸. Since January 2009 the development proposed by planning application Ref. GU09/0482 has evolved to exclude a weighbridge, weighbridge office and staff building, boundary walls, surface water drainage system, and external lighting. These aspects of the original proposal have been settled by way of other planning applications and planning appeals as discussed in the 'Planning History' section of this report. This is the reason why the application site area, denoted by a red-line on the relevant application drawings, extends beyond the dimensions of the proposed building.
37. Secondly, the building is to be erected on land lawfully used for end-of-life vehicle scrap yard activities as provided for by LDC Ref. GU93/P/00977. However, this LDC does not and cannot control the lawful use of the application site in respect of hours of operation; noise; dust; fumes; pollution; or annual throughput of scrap vehicles¹⁹ etc. These characteristics of the land-use are controlled by way of an Environmental Permit issued by the Environment Agency²⁰.
38. Thirdly, the weighbridge, weighbridge office, staff facility building, boundary walls, surface water drainage system, and external lighting associated with the existing end-of-life vehicle scrap yard activities are also lawful by virtue of a range of planning consents. The use of this infrastructure in association with the lawful use of the application site is controlled by the planning conditions imposed on those consents. The proposed development does not seek to change or otherwise amend any aspect of this infrastructure or the use of the same.
39. Accordingly, the considerations of Officers in respect of proposed development will be limited to the planning merits of the proposed building having regard to the Development Plan and material considerations including the lawful use of the application site for end-of-life scrap yard activities.

HIGHWAYS, TRAFFIC AND ACCESS

Development Plan Policies

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Guildford Local Plan 2003

Saved Policy G1(2) – Transport provision, Access, Highway Layout and Capacity

Policy Context

40. Paragraph 32 of The National Planning Policy Framework (the Framework) is clear that development should only be refused or prevented on transportation grounds where the residual cumulative impact of that development is severe.
41. Appendix B of the National Policy for Waste 2014 (NPW) states that in testing the suitability of sites for waste management the CPA should bear in mind the envisaged waste management facility in terms of its nature and scale and consider the suitability of the road network and the extent to which access would require reliance on local roads.
42. Policy DC3 of the SWP requires that applicants demonstrate, by the provision of adequate supporting information, that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure

¹⁸ Vehicle de-pollution activities

¹⁹ The relevant Environmental Permit restricts annual throughput of scrap metal to 75,000 tonnes

²⁰ Permit No. DP3292SR/T001/ Waste Management Licence No. 83036 - A19 : Metal Recycling Site (Vehicle Dismantler)

and resources. The policy goes on to state that the supporting information should include, where appropriate, an assessment of traffic generation, access and suitability of the highway network, and mitigation measures to minimise or avoid material adverse impact and compensate for any loss.

43. Saved Policy G1(2) of the GLP sets out that proposals will be permitted provided satisfactory access and highway layout is provided and the traffic generated by the development is compatible with the local road network. Moreover, this policy requires that appropriate provision be made for pedestrian, cyclist and public transport facilities.

The Development

44. The application site is located along and accessed off the A323 Guildford Road some 1.45km east of the centre of Normandy, 3.25km west of Guildford, 4km east of Ash, 9.7km northeast of Woking, and some 6.4km southwest of Aldershot, Hampshire. As such the application site is well related to the strategic road network given its location on the edge of Guildford and its proximity to the A3, A31, and A331.
45. Officers acknowledge the concerns raised by interested parties in respect of the possible highways, traffic and access implications of the proposed building.
46. However, the proposed building is to be erected on land lawfully used for end-of-life vehicle scrap yard activities as provided for by LDC Ref. GU93/P/00977. This LDC does not and cannot restrict vehicle movements in respect of site activities. The only restriction in this regard is imposed by way of the Environmental Permit associated with the end-of-life vehicle facility. This permit restricts the annual throughput of scrap metal to no more than 75,000 tonnes and by association the number of end-of-life vehicles to be processed by the facility each year.
47. The proposed development is for the erection of a building in which existing vehicle de-pollution activities are to take place. The building itself would not generate any vehicle movements save for those which may be required in respect of its construction. Any vehicle movements associated with proposed building, as explained in the preceding paragraph, would relate directly to the lawful use of the application site.
48. Having regard to the above the County Highway Authority (CHA) has not objected to the development. However, given the scale of the proposed building and considering site constraints in respect of space, the CHA has requested that a condition be imposed on any permission granted so as to secure the submission of a Construction Transport Management Plan prior to any construction activities taking place. Such a plan would seek to ensure that construction and delivery vehicles relating to the proposed building would be managed such that they do not endanger or cause inconvenience to other road users.

Highways, Traffic and Access Conclusion

49. Considering paragraphs 40 to 48 above Officers consider that the proposed development satisfies, subject to condition, Policy DC3 of the Surrey Waste Plan 2008 and Saved Policy G1(2) of the Guildford Borough Local Plan 2003.

AIR QUALITY AND NOISE

Development Plan Policies

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Guildford Local Plan 2003

Saved Policy G1(3) – Protection of Amenities Enjoyed by Occupants of Buildings

Policy Context

50. Paragraph 109 of the Framework advocates contribution to and enhancement of the natural and local environment by preventing development from contributing to or being put at unacceptable risk from levels of air pollution.
51. In these respects paragraph 122 advises that the CPA should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.
52. Paragraph 123 of the Framework states that planning decisions should aim to: (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.
53. Criteria G of the NPW's Annex B explains that in respect of air quality, considerations should include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles. Similarly, Criteria J requires, in respect of noise, consideration to the proximity of sensitive receptors and noise and vibration from goods vehicle traffic movements to and from a site.
54. Policy DC3 of the SWP requires that applicants demonstrate that the development can be controlled such that it will not significantly adversely affect people, land, infrastructure and resources in terms of air quality and noise. Similarly, policy G1(3) of the GLP confirms that the amenities enjoyed by occupants of buildings from unneighbourly development in terms of noise, vibration, pollution, and dust should be protected.

The Development

55. The proposed development is for the erection of a building in which existing lawful end-of-life vehicle activities are to be undertaken. There will be single opening on the western elevation of the building, facing away from adjacent mobile homes and towards the waste recycling facility at Penrhyn. Interested parties have raised a number of concerns relating to the implications of the proposed building in respect of air quality and noise. However, as is the case with vehicle movements, the erection of a building would not give rise to air quality or noise issues per se. Any such impacts would arise from the lawful and existing use of the application site for end-of-life vehicle activities.
56. Accordingly, the CPA's Noise and Air Quality Consultants have assessed the proposed development and raised no objection. It is considered that the proposal may lead to a reduction in noise generated by vehicle de-pollution activities given that such activities would take place within a mostly-enclosed building. Moreover, considering that the nature of existing activities would not change as a result of the proposed building, it is considered that there is no likely potential for additional dust or other pollutants compared with existing operations. It is possible that nuisance dust effects occur during the construction of the new building; however, these effects would be minor, temporary and short-lived. Having regard to the aforementioned, the CPA's Air Quality Consultant has not raised objection to the development. Similarly, the Environment Agency has not raised objection to the development.
57. It is notable that the Environmental Permit associated with the end-of-life vehicle activities imposes two pertinent conditions. The first being a condition²¹ restricting operations to take place between 0800 to 1800 hours Monday to Friday, and 0900 to 1700 hours on Saturday. The second condition seeks to control noise levels. This

²¹ Condition 2

condition states that *“the level of noise arising from the use of any plant or machinery on site used for the deposit of waste or used in connection with the deposit of waste on the site, when measured at, or recalculated for, any noise sensitive property affected by noise from the site shall not exceed 60 dB(A) during any 30 minute period.”* The Environment Agency has not raised objection to the development subject to a condition concerning the storage of oils, fuels and chemicals.

58. Currently, vehicle de-pollution activities take place in the open, anywhere on the application site. The proposal would allow some of these activities to take place within the proposed building. Officers consider this to be a positive improvement in terms of noise and any emissions. Moreover, the position and orientation of the proposed building would provide screening to parts of the mobile home park from other parts of the application site, and the position and orientation of the proposed building opening away from parts of the mobile home park, are also improvements on current arrangements.
59. However, whilst the proposed building would provide some noise attenuation, due to the close proximity of the mobile home park, the CPA’s Noise Consultant considers that the operation of plant²² in the location of the proposed building, even within the proposed building, may well result in significant noise effects. The applicant has not provided any form of noise assessment to demonstrate that the opposite is true or that any such effects could be suitably mitigated. Accordingly, should planning permission be granted for the proposed building, Officers would seek to impose a condition on any consent issued seeking the prohibition of any plant within the building until such time as an appropriate noise assessment has been submitted to the CPA for approval demonstrating that the noise to be generated is acceptable or could otherwise be made acceptable by mitigation measures.

Air Quality and Noise Conclusion

60. Having regard to paragraphs 50 to 59 above Officers consider that the proposed development satisfies, subject to condition, Policy DC3 of the Surrey Waste Plan 2008 and Saved Policy G1(3) of the Guildford Borough Local Plan 2003.

FLOOD RISK

Development Plan Policies

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Policy DC2 – Planning Designations

Guildford Borough Local Plan 2003

Saved Policy G1(6) – Flood Protection

Saved Policy G1(7) – Land Drainage

Policy Context

61. Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 103 explains that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Paragraph 109 of the Framework advocates that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Consequently, paragraph 120 of the Framework states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including

²² For example a shear baler

cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

62. In respect of the protection of water quality and resources and flood risk management the NPW's Appendix B Criteria A requires consideration of the proximity of vulnerable surface and groundwater or aquifers and the suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination.
63. Policy DC2 of the SWP states that planning permission will not be granted for waste related development where this would endanger, or have a significant adverse impact, on the setting of land liable to flood. Policy DC3 of the SWP is clear that planning permissions for waste related development will be granted provided it can be demonstrated that the development will not significantly adversely affect people, land, infrastructure and resources in terms flooding, groundwater conditions and the hydrogeology of the locality.
64. Saved Policy G1(6) of the GLP explains that areas of floodplain should be safeguarded from development that would increase the risk to people or property from flooding. Saved Policy G1(7) states that adequate land drainage should be put in place to meet the needs of the development.

The Development

65. The application site is located within Flood Zone 1 which is land with the lowest probability of flooding. In November 2009 Surrey County Council granted planning permission²³ for "*retention and completion of a weighbridge, weighbridge office and staff facility building and surface water drainage system*" in relation to the application site.
66. Moreover, the application site has been previously laid to concrete. The surface water drainage scheme approved in November 2009 is in place. Surface water falls to the west away from the adjacent mobile home park and is collected in a gully run and/or a trap that feeds into a filtration and cleaning system.
67. Interested parties have raised limited concerns in respect of flooding.
68. However, the Lead Local Flood Authority (LLFA) has considered the proposed development and has raised no objection to it. The LLFA has stated that it appears that the proposed building would not significantly increase flood risk and so is considered to have no impact on surface water run-off rates and volume. This is due to the fact that there would be no change to the pre and post development run-off rates of surface water and volumes which have little significant impact on run off on site or elsewhere. The existing surface water drainage system was designed to cater for the existing impermeable concrete surface of the application site. Similarly, Thames Water has not raised any objection to the proposed building.
69. In respect of general contamination/pollution issues raised by interested parties, these are matters for the pollution prevention and control regime, which in this case is the Environment Agency. Government advice in this respect is that the CPA should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The Environment Agency has not objected to the proposed building subject to a condition concerning the storage of offensive liquids.

²³ Planning permission Ref. GU09/1490

70. Considering paragraphs 61 to 69 above, Officers consider that the proposed development satisfies Policies DC2 and DC3 of the Surrey Waste Plan 2008 and Saved Policies G1(6) and G1(7) of the Guildford Borough Local Plan 2003 subject to a condition.

LANDSCAPE, VISUAL IMPACT AND RESIDENTIAL AMENITY

Development Plan Policies

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

Guildford Borough Local Plan 2003

Saved Policy G1(3) – Protection of Amenities Enjoyed by Occupants of Buildings

Saved Policy G1(12) – Safeguarding and Enhancement of the Landscape

Saved Policy G5(1) – Context for Design

Saved Policy G5(2) – Scale, Proportion and Form

Saved Policy G5(3) – Space Around Buildings

Saved Policy G5(5) – Layout

Saved Policy G5(6) – Important Public Views and Roofscape

Saved Policy G5(7) – Materials and Architectural Detailing

Policy Context

71. Paragraph 56 of the Framework is clear that the Government attaches great importance to the design of the built environment. It explains that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. To this end paragraphs 63 and 64 state that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
72. The NPW, at paragraph 7, requires the CPA to ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located. In respect of the protection of the landscape and visual amenity the NPW Appendix B Criteria C requires consideration of (i) the potential for design-led solutions to produce acceptable development which respects landscape character; and (ii) the need to protect landscapes or designated areas of national importance including Areas of Outstanding Natural Beauty.
73. Policy DC2 of the SWP states that planning permission will not be granted for waste related development where this would endanger, or have significant adverse impact, on the character, quality, interest or setting of the AONB, AGLV or ancient woodlands. Similarly, policy DC3 of the same seeks the protection of landscapes and woodland and the provision of mitigation measures where appropriate.
74. Saved Policy G1(3) of the GLP confirms that the amenities enjoyed by occupants of buildings should be protected from unneighbourly development in terms of access to sunlight and daylight.
75. Saved Policy G1(12) explains that development should be designed to safeguard and enhance the characteristic landscape of the locality and existing natural features on the site, such as hedgerows, trees, watercourses and ponds which are worthy of protection.
76. Saved Policies G5 1 to 3 and 5 to 7 of the GLP are also relevant to the proposal. These policies require development to respect established street patterns, plot sizes, building

lines, topography, established views, landmark buildings, roof treatment, aspect and relationship with other buildings; the scale, height and proportions and materials of the surrounding environment; and existing spaces of value. They also require development to create new spaces of attractive and identifiable character that can be easily understood by the user; and safeguard important public views through the use of materials which are of a high standard and which harmonise with surrounding buildings and reinforce the identity and character of an area.

The Development

77. The proposal is to erect a large, open fronted, steel framed building measuring 39m x 33.6m, and a shallow pitched roof up to a maximum of 14m overall height²⁴. The ridge of the building will run from the front of the building to 3.3m from the rear of the building at which point the roof will be stepped down to a flat roof at 10.3m overall height so as to reduce the shading effect on the adjacent mobile homes.
78. The application site, which is an existing end-of-life vehicle scrap yard, is located within an open countryside landscape setting and within a complex of commercial property and two mobile home parks. Further residential properties lie along the A323 and Bailes Lane. Immediately adjacent to the application site are two industrial scale buildings at Chapel Farm Eggs and one at Penrhyn. Immediately north is another industrial scale building on agricultural land. On the application site itself, there is a relatively small temporary de-pollution building, a staff welfare/office building and a night watchman's caravan.
79. The application site is not subject to any landscape designations. The nearest Semi-natural Ancient Woodland designation is some 500m to the north-east at Whitley Manor.
80. The applicant's Landscape Appraisal relating to the proposed development demonstrates that:
- There will be adverse landscape and visual effects as a result of the proposed building that cannot be mitigated, other than through careful consideration of materials, texture, patterns and colour of surface finishes.
 - These adverse effects will be confined to a relatively small area which is generally limited in its sensitivity, and already adversely affected by industrial/commercial land uses, coniferous screen planting and mobile home parks.
 - There will not be any adverse landscape or visual effect on any area designated for its landscape value.
 - Three distinctive fine grain landscape character areas will be adversely affected by the development. These are the Chapel Farm settlement area itself²⁵; the medium to large fields located to the east and south of the Chapel Farm settlement area²⁶; and the small sized irregular fields to the south-west of the Chapel Farm settlement area²⁷.
 - Adverse visual effects will be confined to users of relatively short sections of local footpaths, and residents of adjacent mobile homes. The worst effects of overshadowing have been reduced by the stepping of the roof at the eastern end of the proposed building.

²⁴ To the ridge

²⁵ Through which public footpath No. 385 and public byway No. 534 run

²⁶ Through which public footpath No. 385 and public byway No. 534 run

²⁷ See Figure 4 – Site Survey and Analysis: Local Landscape Context, Landscape Appraisal dated January 2017

- There will be no loss of vegetation as a result of the development.
 - There will be a slight improvement on night-time views from the reduction in numbers of lighting columns necessary to illuminate the application site. This would benefit residents of Chapel Farm Mobile Home Park.
 - Views of the existing operation of the site may be improved by the screening of unsightly site operations and storage of scrap metal afforded by the new building, albeit that those views from beyond the site's concrete boundary walls into the site are limited.
 - The enclosure of operations may also have a slight beneficial effect on noise reduction, thereby enhancing tranquillity in the landscape for immediately adjoining neighbours.
81. Having assessed the proposed development and the applicant's Landscape Appraisal, SCC's Landscape Architect and has not raised objection to the proposal. The Landscape Architect concurs with the findings of the applicant's appraisal and its conclusion. The development would have an adverse impact on the landscape as an incongruous element in the surrounding rural setting. However, the development would appear no more incongruous than is currently the case, and does have the potential to improve landscape amenity by screening unsightly operations, and reducing noise, so slightly enhancing the tranquillity for neighbours.
82. Notwithstanding the above, Officers note that the north-east corner of the application site, where existing building is proposed to be located, is the only area of the site that is screened by planting to the north, east and south-east.
83. However, the location of the building as proposed would have other implications for the residents of the adjacent mobile homes. These implications are highlighted by interested parties in their respective objections to the proposed building. In this regard Guildford Borough Council has raised concern that the proposed building, by virtue of its scale, bulk and massing and proximity to the neighbouring residents of the mobile homes located to the east and south of the application site, is likely to result in an adverse impact on the occupants of 18, 39 and 37 Chapel Farm Mobile Home Park and may result in an unacceptable loss of light to the occupants of 39 Chapel Farm Mobile Home Park.
84. The proximity and relationship of the proposed building to 39 and 37 Chapel Farm Mobile Home Park can be seen in Drawings Ref. Proposed, showing other buildings etc. GU/206/1/IE/107A dated 3 March 2016 and Proposed, showing other buildings etc. GU/206/1/IE/106A dated 3 March 2016. The scale of the proposed building compared to these two mobile homes is also laid bare by these drawings.
85. In this regard the applicant has undertaken a Daylight and Sunlight Study in respect of the proposed building. The aim of the applicant's study is to assess the impact of the proposed building on the light receivable by the neighbouring mobile homes²⁸. The applicant's study is based on the various numerical tests laid down in the Building Research Establishment (BRE) guidance²⁹. In this context the applicant's study is based on a measure of 'daylight to windows', 'sunlight to windows', and 'overshadowing to gardens and open spaces'.
86. In respect of 'daylight to windows' the applicant's study concludes that all main habitable room windows pass the relevant test with the exception of windows 8 and 9 of 39 Chapel

²⁸ Nos. 7, 17, 18, 19, 24, 37 and 39 Chapel Farm Park

²⁹ Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2011

Farm Park and window 39 of 37 Chapel Farm Park i.e. the two closest mobile homes to the proposed building.

87. In relation to 'sunlight to windows' the applicant's study concludes that all main habitable room windows which face within 90 degrees of due south pass both the total annual sunlight hours test and the winter sunlight hours test.
88. In respect of 'overshadowing to gardens and open spaces' the applicant's study concludes that the sunlight availability after construction of the proposed building would be no less than 0.98 times the former value which is better than the BRE minimum requirement which suggests sunlight can be reduced by up to 0.8 times i.e. by up to 20%.
89. Surrey County Council's Environmental Consultant has assessed the proposed development in conjunction with the applicant's Daylight and Sunlight Study. Whilst the applicant's analysis is largely accepted, the conclusions drawn from the applicant's study in respect of the 'daylight to windows' analysis are disputed.
90. In this regard it is important to recognise that the applicant was unable to obtain floor plans of the mobile homes assessed. Consequently, in undertaking the study the applicant adopted a precautionary approach and assumed that all no-obscured glazed windows serve habitable rooms. This approach to the study was agreed by the CPA's Environmental Consultant. Only habitable rooms require assessment in respect of daylight.
91. In undertaking the 'daylight to windows' analysis the applicant also assumed that the bay window comprising windows 10, 11, and 12³⁰ of 39 Chapel Farm Park is a secondary window to a dual-aspect habitable room also served by a bay window made up of windows 13, 14 and 15³¹. The applicant explains that this assumption is based on the unattractive outlook of windows 10, 11 and 12 onto the application site's concrete wall 2m away, whilst windows 13, 14 and 15 have an open aspect. The significance of this assumption is that windows 10, 11, and 12 have been excluded from the concluding results of the 'daylight to windows' analysis.
92. The CPA's Environmental Consultant does not recognise this approach and considers that bay window comprising windows 10, 11 and 12 should be considered a primary window irrespective of its existing outlook, and therefore should be included in the results of the 'daylight to windows' analysis. BRE guidance suggests that in general if there are equal sized windows on different facades of a building, as is the case with 39 Chapel Farm Park, then the mean of their Vertical Sky Component should be taken into account in any analysis. This approach has not been followed by the applicant.
93. Accordingly, the CPA's Environmental Consultant has advised that if the internal layout of 39 Chapel Farm Park was available, the effect of the proposed building on daylight distribution within the room served by windows 10 to 15 could be properly analysed. However in the absence of such a floor plan, and taking into consideration BRE guidance, the daylight impact on bay window comprising windows 10, 11 and 12 of 39 Chapel Farm Park should be included within the applicant's 'daylight to windows' analysis. In any event, the CPA's Environmental Consultant has concluded, based on the applicant's study, that the calculated loss of light to the room served by windows 10 to 15 is likely to fall outside BRE guidance allowances and as such that room would be adversely affected by the proposed building.

³⁰ On its western elevation facing the eastern façade of the proposed building and the eastern boundary wall of the application site

³¹ On its southern elevation facing south towards 18 Chapel Farm Mobile Home

94. Having regard to the above, in addition to the rooms served by windows 8 and 9 of 39 Chapel Farm Park and window 39 of 37 Chapel Farm Park, the proposed building is also likely to adversely affect the daylight of the room served by windows 10 to 15 of 39 Chapel Farm Park.
95. The applicant concludes that there is no daylight or sunlight reason why planning permission should not be granted for the proposed building. However, Saved Policy G1(3) of the GLP requires that the amenities enjoyed by occupants of buildings should be protected from unneighbourly development in terms of access to sunlight and daylight. The proposed building would not appear to provide such protection to 39 and 37 Chapel Farm Park.
96. Paragraph 3.3 of the applicant's Design, Access and Planning Statement explains that the purpose of the proposed building is to bring the application site up to modern standards and that "...all vehicle dismantling would take place under cover...vehicles awaiting de-pollution and scrapping would be stored on the site...salvageable vehicles and components would be stored and sold to customers". Paragraph 3.5 of the same explains that "the building will be where vehicles are drained of all fluids (oil, fuel, water etc.) and glass, upholstery, electrical components and any other salvageable material is removed..." Paragraph 3.7 of the applicant's Design, Access and Planning Statement goes on to elaborate that a shear baler would be installed within the building for the purposes of compacting vehicle bodies.
97. However, since application Ref. GU09/0482 was submitted in January 2009 the applicant has confirmed³² that a shear baler would not be used within the proposed building. It is pertinent to note that the dimensions of the proposed building have not been amended to reflect this change.
98. In February 2012 planning permission Ref. GU11/1915 was granted for a modest sized permanent de-pollution building on the western boundary of the application site. This permission was not implemented and has since expired. This building was to measure 24.6m (width) x 12.5m (depth) with a height of 6.2m to the eaves and 8m to the ridge. The building would have covered 307.5m². The applicant explained at this time that a building of this size was required to ensure the efficient through put of vehicles and to provide an essential covered working space.
99. The proposed building would have a floor area of approximately 1,248m², and it would measure 12.5m to the eaves and 14m to the ridge. Its depth would be 33.2m and its width would measure 36m at the eastern end and 39m at the western end.
100. The proposed building would have a floor area some 300% greater than the building for which planning permission was granted in 2012. Its height to the eaves and depth would be almost double than the previously permitted building. Its width would also be significantly larger than the building previously permitted. However, no explanation or calculations are provided by the applicant to justify why these dramatic increases in dimensions are necessary.
101. In effect the building for which permission was granted in 2012 would have been used for the same purposes as the proposed building i.e. vehicle de-pollution and dismantling activities. Officers are not aware that the application site's annual throughput limit of scrap metal associated with relevant Environmental Permit has been increased since 2012, and the applicant has provided no evidence to suggest that this is likely to take place in the near future notwithstanding the capacity of the applicant's site in Hampshire or changes to European directives.

Landscape, Visual Impact and Residential Amenity Conclusion

³² See Ian Ellis email dated 30 June 2017

102. Officers acknowledge that the proposed building will not have any impact on designated landscapes owing to the location of the proposed building within the Chapel Farm complex. Officers also acknowledge that the proposed building may bring about some improvements to the immediate environment in terms of landscape and visual amenity i.e. a slight improvement on night-time views from the reduction in numbers of lighting columns; limited screening of unsightly site operations and storage of scrap metal; and a slight beneficial effect on noise reduction, thereby enhancing tranquillity in the landscape.
103. However, at the same time the proposed building would have an adverse impact on the local landscape as an incongruous element in the surrounding rural setting; adversely affect visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adversely affect the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight. There appear to be no practical measures which the applicant could adopt to mitigate such adverse impacts.
104. Government advice, as rehearsed in paragraphs 71 to 72 above, is that development should contribute positively to making places better for people in terms of the character and quality of the area in which it is to take place. Officers do not consider that the building proposed would bring about such positive change.
105. The applicant has previously succeeded in gaining planning permission for a modest permanent de-pollution building on the western boundary of the application site. This consent was not implemented by the applicant. No justification has been provided as to why a similar sized building would not continue to be appropriate for the operations on the application site nor has any explanation been provided as to why a significantly larger building is required for activities/operations which are largely congruent with those that were to take place in the previously permitted building.
106. The views of local residents, the Parish Council and the local residents association are made plain in their representations to the CPA as discussed in paragraphs 27, 28 and 30 above. They consider that the proposed building is unacceptable having regard to its scale, character, visual and landscape impact, and impact on daylight currently enjoyed by the occupiers of mobile homes adjacent to the application site's eastern boundary.
107. Guildford Borough Council consider that the proposed building, by virtue of its scale, bulk and massing and proximity to the neighbouring residents of the mobile homes located to the east and south of the application site, is likely to result in an adverse impact on the occupants of 18, 39 and 37 Chapel Farm Mobile Home Park and may result in an unacceptable loss of light to the occupants of 39 Chapel Farm Mobile Home Park.
108. Having regard to the paragraphs 71 to 107 above, Officers consider on balance that the proposed development is contrary to Policy DC3 of the Surrey Waste Plan 2008, Saved Policy G1(3) Guildford Borough Local Plan 2003, and Saved Policies G5(1) to (3) and (5) to (7) of the Guildford Borough Local Plan 2003.

HERITAGE ASSETS

Development Plan Policies

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

Guildford Borough Local Plan 2003

Saved Policy HE4 – New Development

Planning (Listed Buildings and Conservation Areas) Act 1990

109. Notwithstanding the policy requirements and guidance relating to heritage assets discussed in the following paragraphs, s66 and s72 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) are material to the determination of the subject planning application.
110. In respect of listed buildings s66 requires the CPA, in considering whether to grant planning permission for development which affects a listed building or its setting, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy Context

111. The Framework explains at paragraph 126 that heritage assets³³ are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the Framework is clear that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the CPA should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Whilst paragraph 134 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
112. Historic England has published a series of guidance notes³⁴ to assist in the determination of planning applications that could have an impact on heritage assets. Advice Note 3, at paragraph 4, recognises that the extent of a setting cannot have a fixed boundary and may alter over time due to changes in circumstance. Whereas paragraph 5 explains that views can contribute to setting of heritage assets e.g. viewing points or where a view is a fundamental aspect of the design of the asset or where assets were meant to be seen by one another for aesthetic, functional, ceremonial or religious reasons. Advice Note 2, at paragraph 4, explains that the first step in assessing the impact a development proposal may have on a designated heritage is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of a heritage asset is the sum of its archaeological, architectural, historic and artistic interest.
113. Criteria E of Appendix B of the NPW states that in testing the suitability of sites the CPA should consider the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.
114. Policy DC2 of the SWP advocates that planning permission will not be granted for development where this would endanger, or have a significant adverse impact, on the character, quality, interest or setting of listed buildings, Conservation Areas or sites of archaeological importance. Moreover, policy DC3 of the SWP explains that planning permissions for development will be granted provided it can be demonstrated that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect heritage assets or result in the loss of or damage to archaeological resources.

³³ Including archaeological resources

³⁴ ['Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment', July 2015](#) and ['Good Practice Advice in Planning: 3 The Setting of Heritage Assets', July 2015](#)

115. Saved Policy HE4 of the GLP states that planning permission will not be granted for development that adversely affects the setting of a listed building by virtue of design, proximity or impact on significant views.

The Development

116. The application site forms part of a large square area of densely developed land measuring some 7ha in total. This land comprises a number of differing planning units of various shapes, sizes and land-use classes including residential, commercial, and sui generis waste management. The application site abuts a long-established mobile home residential park to the south and east as well as other commercial and/or industrial operations to the west. There are also two Grade II Listed residential buildings on land adjoining the application site to the west³⁵ and southwest³⁶.
117. The proposed building is to be erected on land lawfully used for end-of-life vehicle scrap yard activities as provided for by LDC Ref. GU93/P/00977.
118. SCC's Historic Buildings Officer has assessed the proposed development and not raised objection. He has commented that it is impossible to tell on the ground the historic land held with the listed buildings concerned or the nature of farming in the area; and that the wider settings of the buildings have been seriously matted by development of the Chapel Farm complex around them.
119. Nevertheless the Historic Buildings Officer considers that the proposed building is at a sufficient distance from the listed buildings so as to negate any material visual impact on the same. He also considers that the tranquillity of the immediate area may be slightly improved as a result of some existing activities being moved to within the proposed building. Accordingly, he does not consider that the heritage policies of the Framework are contravened in any way by the proposed building.

Heritage Assets Conclusion

120. Having regard to the paragraphs 109 to 119 above, Officers consider that the proposed development satisfies Policies DC2 and DC3 of the Surrey Waste Plan 2008, and Saved Policy HE4 of the Guildford Borough Local Plan 2003.

METROPOLITAN GREEN BELT

Development Plan Policy

Surrey Waste Plan 2008

Policy CW6 – Green Belt

Guildford Borough Local Plan 2003

Saved Policy RE2 – Development within the Green Belt

Policy Context

121. Paragraph 79 of the Framework explains that the fundamental aim of Green Belt policy is to keep land permanently open, whilst paragraph 80 lists the five purposes of Green Belts: (a) to check unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

³⁵ HER Ref. 8301, Chapel Farm House, some 50m distant

³⁶ HER Ref. 8387, The Homestead, some 85m distant

122. Accordingly, at paragraph 88, the Framework advocates that the CPA should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
123. Paragraphs 89 and 90 of the Framework discuss what types of developments are 'appropriate' in Green Belt locations. Waste-related development is not included in paragraphs 89 and 90 and therefore, as with previous Green Belt policy³⁷, waste related development is 'inappropriate development' in the Green Belt.
124. The construction of new buildings in the Green Belt is also 'inappropriate'. Exceptions to this are: (a) buildings for agriculture and forestry; (b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (e) limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or (f) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
125. Policy CW6 of the Surrey Waste Plan 2008 states that there is a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The policy outlines that the following considerations may contribute to very special circumstances: (a) the lack of suitable non-Green Belt sites; (b) the need to find locations well related to the source of waste arisings; (c) the characteristics of the site; and (d) the wider environmental and economic benefits of sustainable waste management including the need for a range of sites.
126. Policy RE2 of the GLP states that new building will be deemed inappropriate unless it is for the following purposes: (a) agriculture and forestry; (b) essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; and (c) limited extension, alteration or replacement of existing dwellings. It goes on to explain that the aforementioned will not be permitted where it involves the loss of important open spaces, harms the character or appearance of the area or where necessary services are inadequate.

The Development

127. The proposed development is for the erection of a replacement de-pollution building to be erected some 5m from the eastern boundary of the application site adjacent to mobile homes. The location of the proposed building relative to the application site is shown on Drawing Ref. Block Plan Proposed GU/206/1/IE/103A dated 3 March 2016.
128. The proposed building will take the form of a large open fronted steel framed shed and have a floor area of approximately 1,248m². The building would measure 12.5m to the eaves and 14m to the ridge. The eastern end of the building adjacent to the boundary with mobile homes would be stepped down to 10m, although the effective height of the building would be slightly reduced by approximately 0.5m due to differences in ground

³⁷ [Planning Policy Guidance 2 – Green Belts, 1995](#)

levels to adjacent land. The building would have a depth of 33.2m and measure some 36m wide at the eastern end and some 39m wide at the western end.

129. The proposed building would be used for end-of-life vehicle de-pollution activities where vehicles are drained of fluids and dismantled into salvageable parts. A mobile crane will operate in the building. The applicant has confirmed that building will not be used to house or operate a shear baler³⁸. Such plant will continue to be operated in the open yard area of the application site on an ad-hoc basis.

Effect on Openness

130. The applicant submits that the application site is an established waste processing site within an enclave of built development. It happens to be in the Green Belt but simply doesn't fulfil any Green Belt purpose or function. In practice, the applicant asserts, this means that when considering any planning application the CPA should ensure that substantial weight is given to any harm to the Green Belt. By the same token where there simply isn't any harm to the Green Belt this in itself should be given substantial weight. The applicant goes on to state that it should be borne in mind that the Framework envisages that other forms of development³⁹ are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt.
131. The applicant goes on to assert that the Framework is a fairly blunt planning policy instrument so far as existing businesses and built-up areas in the Green Belt are concerned. It is too general to be of any great assistance in those cases. More importantly, the applicant submits, in the context of a County where over 70% of all land is covered by the Green Belt designation there is a need for realism and pragmatism. Delivering sustainable development is highly relevant to scrap yard uses in terms of its emphasis on the conservation of natural resources.
132. Additionally, the applicant states that to preserve openness there is a presumption against inappropriate development but the current proposal does not offend either principle as it isn't open in the first place. In this context the applicant submits that a failing of Policy CW6 of the SWP is that it makes no distinction for associated development with an established waste management site within the Green Belt. It is as if the SWP is completely silent on there being such a form of development. The nearest the SWP comes to recognising the existence of such development is 'Section 4.3 - General Considerations', but even then the SWP contains no policy or criteria as to how associated development on an existing waste management site in the Green Belt will be dealt with.
133. The applicant also asserts that the SWP pre-dates the Framework and is therefore out-of-date and requires review. For this reason it is asserted that the CPA should give great weight to the shift in national planning policy for waste as set out in the NPW. The applicant suggests that, in the ordinary course of events, the fact that the site lies within the Green Belt has not been an obstacle to reasonable development proposals. If the application site were 'greenfield' agricultural land then the establishment of a new use such as currently exists would not normally be considered appropriate development in the Green Belt. However the site use lawfully exists and the Green Belt designation should not be regarded as an obstacle to complete the process of bringing the site up to modern standards.
134. Paragraph 89 of the Framework confirms that the construction of new buildings in the Green Belt is 'inappropriate' development. Exceptions to this are listed in paragraph 124 above. Officers consider that the proposed building does not align with any of the exceptions listed in (a) to (e) of the said paragraph. The only exception that may apply

³⁸ Ian Ellis email dated 30 June 2017

³⁹ Those listed in paragraph 89

to the proposed building is the limited infilling of previously developed sites. However, such buildings should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

135. In this instant case, given the industrial nature and scale of the proposed building, Officers consider that it would have a permanent material impact on the openness of the Green Belt irrespective of it being located within an existing waste management facility.
136. However, having regard to the location of the building within the boundaries of an existing waste management facility and in turn the wider Chapel Farm complex, Officers do not consider that it would undermine the objectives of the Green Belt as listed in paragraph 118 above.
137. Accordingly, there is a presumption against the grant of consent for the proposed development except in very special circumstances. Very special circumstances to justify the proposed building in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
138. Officers do not accept that Policy CW6 of the SWP is out-of-step with the Framework. This policy reflects the wording and spirit of paragraph 88 of the Framework and goes on to helpfully set out what factors, in respect of waste management development, may amount to 'very special circumstances'.

Other Harm

139. The potential for other harm has been assessed earlier in this report with regard to highways, traffic and access; air quality and noise; flood risk; landscape, visual impact and residential amenity; and heritage assets.
140. Officers consider that the proposed building would not have an adverse impact in respect of highways, traffic and access; air quality and noise; flood risk; and heritage assets. However, Officers have also concluded that the proposed building would have an adverse impact on the local landscape as an incongruous element in the surrounding rural setting; adversely affect visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adversely affect the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight. There appear to be no practical measures which the applicant could adopt to mitigate such adverse impacts.

Very Special Circumstances

141. Policy CW6 of the SWP sets out that the following considerations may contribute to very special circumstances: (a) the lack of suitable non-Green Belt sites; (b) the need to find locations well related to the source of waste arisings; (c) the characteristics of the site; and (d) the wider environmental and economic benefits of sustainable waste management including the need for a range of sites.
142. Notwithstanding the applicant's submission in respect of Green Belt policy as set out in the preceding paragraphs, it appears to be accepted that 'very special circumstances' is required to be demonstrated in relation to the proposed building.
143. In this regard the applicant seemingly relies⁴⁰ upon the characteristics of the application site. The applicant explains that the lawful use of the application site is for vehicle breaking; and that the proposed building is the last step in bringing the site up to modern standards and would significantly improve the environment for adjoining residents in terms of visual amenity and noise.

⁴⁰ From paragraph 6.13 of the Design, Access and Planning Statement dated March 2016 onwards

144. However, Officers do not consider that the applicant has demonstrated a need for the proposed building. In this respect, the applicant has previously succeeded in gaining planning permission for a modest permanent de-pollution building on the western boundary of the application site. This consent was not implemented by the applicant. No justification has been provided as to why a similar sized building would not continue to be appropriate for the operations on the application site nor has any explanation been provided as to why a significantly larger building is required for activities/operations which are largely congruent with those that were to take place in the previously permitted building.
145. For these reasons Officers do not consider that the characteristics of the application site, as set out by the applicant, amount to very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of the: inappropriate nature of the proposed building; permanent material harm it would cause to the openness of the Green Belt; adverse impact the building would have on the local landscape as an incongruous element in the surrounding rural setting; adverse affect the building would have on visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adverse affect the building would have on the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight.
146. Accordingly, Officers consider that the proposed development is contrary to Policy CW6 of the Surrey Waste Plan 2008 and Saved Policy RE2 of the Guildford Borough Local Plan 2003.

HUMAN RIGHTS IMPLICATIONS

147. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
148. Officers do not consider that the refusal of planning permission Ref. GU09/0482 would interfere with any Convention right afforded to the applicant.

CONCLUSION

149. The development proposed is for an industrial scale building on an existing waste management site in the Green Belt. The floor area of the proposed building would total about 1,248m², and it would measure 12.5m to the eaves and 14m to the ridge. Its depth would be 33.2m and its width would measure 36m at the eastern end and 39m at the western end.
150. The proposed building would be erected some 5m from the eastern boundary of the application site adjacent to mobile homes, particularly Nos. 18, 37 and 39 Chapel Farm Mobile Home Park. The location of the proposed building relative to the application site is shown on Drawing Ref. Block Plan Proposed GU/206/1/IE/103A dated 3 March 2016.
151. The proposed building would be used for end-of-life vehicle de-pollution activities where vehicles are drained of fluids and dismantled into salvageable parts. A mobile crane will operate in the building. The applicant has confirmed that building will not be used to house or operate a shear baler⁴¹. Such plant will continue to be operated in the open yard area of the application site on an ad-hoc basis.
152. Given the nature of the development on an existing waste management site Officers do not consider that the development would give rise to any adverse impacts in respect of

⁴¹ Ian Ellis email dated 30 June 2017

highways, traffic and access; noise and air quality; flooding; or heritage assets. Similarly, statutory consultees have not raised concern about these aspects of the development.

153. However, Guildford Borough Council and the CPA's Environmental Consultant have raised concern about the implications of the development in respect of landscape, and visual and residential amenity.
154. Having considered the applicant's Landscape Appraisal and Daylight and Sunlight Study, Officers have concluded that the proposed building would have an adverse impact on the local landscape as an incongruous element in the surrounding rural setting; adversely affect visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adversely affect the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight. There appear to be no practical measures which the applicant could adopt to mitigate such adverse impacts.
155. Notwithstanding the above, given the industrial nature and scale of the proposed building, Officers consider that it would have a permanent material impact on the openness of the Green Belt despite its location within an existing waste management facility. Accordingly, there is a presumption against the grant of consent for the proposed development except in very special circumstances. Very special circumstances to justify the proposed building in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
156. In this regard the applicant seeks to rely upon the characteristics of the existing waste management facility. However, Officers do not consider that the applicant has demonstrated a need for the proposed building. The applicant has previously succeeded in gaining planning permission for a modest permanent de-pollution building on the western boundary of the application site. This consent was not implemented by the applicant. No justification has been provided as to why a similar sized building would not continue to be appropriate for the operations on the application site nor has any explanation been provided as to why a significantly larger building is required for activities/operations which are largely congruent with those that were to take place in the previously permitted building.
157. For these reasons Officers do not consider that the characteristics of the application site, as set out by the applicant, amount to very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of the: inappropriate nature of the proposed building; permanent material harm it would cause to the openness of the Green Belt; adverse impact the building would have on the local landscape as an incongruous element in the surrounding rural setting; adverse affect the building would have on visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building; and adverse affect the building would have on the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight.
158. Consequently, Officers consider that the proposed development is contrary to Policies DC3 and CW6 of the Surrey Waste Plan 2008, and Saved Policies G1(3), G5(1) to (3) and (5) to (7) , and RE2 of the Guildford Borough Local Plan 2003.

RECOMMENDATION

159. Officers recommend that planning permission Ref. GU09/P/00482 be **REFUSED** for the following reasons:

Reasons:

1. The proposed development would have an adverse impact on the local landscape as an incongruous element in the surrounding rural setting and adversely affect visual amenity for users of local footpaths and residents of the adjacent mobile homes by virtue of the scale of the building contrary to Policy DC3 of the Surrey Waste Plan 2008 and Saved Policies G5(1) to (3) and (5) to (7) of the Guildford Borough Local Plan 2003.
2. The proposed development would adversely affect the amenities enjoyed by occupants of 39 and 37 Chapel Farm Park in terms of access to daylight contrary to Saved Policy G1(3) Guildford Borough Local Plan 2003.
3. The applicant has failed to demonstrate factors that amount to very special circumstances which clearly outweigh the harm caused by the development to the Green Belt by reason of inappropriateness, and any other harm with regard to reasons 1 and 2 above contrary to Policy CW6 of the Surrey Waste Plan 2008 and Saved Policy RE2 of the Guildford Borough Local Plan 2003.

Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance and European Regulations providing feedback to the applicant where appropriate, and issues of concern have been brought to the applicant's attention in a timely manner affording the opportunity to consider whether such matters can be suitably resolved. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012. However, in this instance, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reason(s) for refusal. The County Planning Authority has, however, set out/identified within its report, the steps/matters considered necessary to overcome the reason(s) for refusal which may lead to the submission of a more acceptable scheme in the future. The County Planning Authority is willing to offer pre-application advice in respect of any revised proposal.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the report.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to *have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations.* This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: *if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in the report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The March 2012 [National Planning Policy Framework](#) (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on Waste, Travellers, Planning for Schools Development, Sustainable Drainage Systems, Parking, and Starter Homes

At the heart of the NPPF is a presumption in favour of sustainable development which the document states: *should be seen as a golden thread running through both plan-making and decision-taking* (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is

absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

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.

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

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

The Development Plan

[Surrey Waste Plan 2008](#)

[Guildford Local Plan 2003](#)

Other Documents

[National Policy for Waste 2014](#)

[Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

['Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment', July 2015](#)

['Good Practice Advice in Planning: 3 The Setting of Heritage Assets', July 2015](#)

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