This application has been referred to Planning Committee because more than 10 letters of objection have been received, contrary to the officer recommendation. A site visit took place on 10 January to allow councillors to view the site.

**Site description.**

The site is located in the Ash urban area close to the Ash Hill, Ash Street and Grange Road junction. The area is characterised predominantly by two-storey, semi-detached and detached residential dwellings. The site itself is rectangular in shape and comprises a two-storey building set back within the plot, with a side access along the western boundary leading to a parking area and detached garage.

There are limited areas of soft landscaping to the front and rear of the site with the majority of the site having a hard surface. There is small area of lawn to the south-east corner of the site and to the south of the detached garage and an additional area towards the front of the site fronting Ash Street between the ingress and egress to the site where a bus shelter is currently located. The building was previously in use as a police station and section house which are now vacant.

Immediately to the east of the site is a two and half storey flatted development, to the west is a two-storey semi-detached dwelling.

**Proposal.**

Mixed use development scheme comprising the provision of a neighbourhood convenience store with residential development above (2 x 1 bed flat and 1 x 2 bed flat), together with associated parking.

**Flats:**

First floor front addition: 5.32m wide x 4.34m deep. maximum height 7.4m

Flat 1 (2 bed): 69 sq m
Flat 2 (1 bed): 41.9 sq m
Flat 3 (1 bed): 41.5 sq m

Resident parking spaces: 6
Residents bicycle stands located within the detached garage: 6
Amenity space: 45 sq m located in the south-east corner of the site

Convenience store (class A1):

Single-storey rear extension:
10.35m deep x 26.11m wide. maximum height 3.3m

Sales area: 279 sq m net
Back of house area: 112 sq m net
Customer parking: 10 (including 1 disabled space)
Staff parking spaces: 3
Staff bicycle stands: 4
Customer bicycle stands: 2
Bins to be stored in the detached garage in the south-west corner of the site

Relevant planning history.

The planning history of the site dates back to 1955. The most recent planning history is noted below:

In 1998, an application (98/P/0062) for the change of use of 122 Ash Street from Police House to office and additional car parking at rear of 120 and 122 Ash Street. (As amended by plans received 31/03/98 was approved with conditions.

In 2012, an application (12/P/01608) for a mixed use development scheme comprising the provision of a neighbourhood convenience store with residential development above, together with associated parking was withdrawn.

Consultations.

County Highway Authority: No objection, subject to the imposition of conditions relating to the relocation of the bus stop, the construction of the amended vehicle access, the laying out of parking spaces and loading and unloading of vehicles, and the submission of a method of construction statement and imposition of relevant informatives.

Ash Parish Council: Object on the following grounds:

• no amenity space for the flats (officer note: the amenity space for the flats is located in the south-east corner of the site)
• insufficient designated parking for the flats (officer note: the parking provision complies with the Council's parking standards)
• delivery lorries accessing the front of the store will be in conflict with parking and pedestrians
• overdevelopment of the site
• potential noise from lorries and delivery cages
• light pollution at night
• un-neighbourly development
• very close to surrounding residential properties
• concern over air conditioning units
• a flood risk assessment should be submitted
• concern over access to and from Ash Street and the effect on traffic
• concern over the retention of trees currently on the site
• if approval is given a condition should be imposed to restrict opening hours to between 7am and 10pm with no deliveries before 8am or after 5pm on Mondays to Saturdays, no deliveries on Sundays, and no deliveries before 9am or after 12 noon on Bank Holidays
• if approval is given a condition should be imposed to ensure that lorries leaving the site must turn left onto Ash Street

Head of Community Care Services (Environmental Health): No objection, subject to the imposition of conditions relating to hours of construction, hours of operation, piling, deliveries, flues, noise and relevant informatives.

Head of Operational Services (Principal Engineer): No objection. Whilst there used to be extensive flooding to Ash Street, Surrey County Council have partially resolved this issue. A condition is however recommended to ensure that run-off from the site will not exceed that of the existing site by use of SUDS drainage and possibly on-site storage, which is likely to be minimal in this case.

Third party comments:

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

• out of keeping with the area - incongruous retail site with an urban feel
• overdevelopment of the site
• impact on highway safety - located at a dangerous junction; increased traffic. Currently backs up due to the crossing at Ash station and whenever there are tailbacks on the Hogs Back
• insufficient parking spaces on site will cause inconsiderate parking in nearby roads
• inconsiderate parking will block bus stops and reduce visibility from residential driveways
• developer should pay for controlled access gates across New Poplars to prevent unauthorised parking (officer note: the site has provided sufficient parking in line with the Council's SPD on Vehicle Parking)
• traffic surveys were not thorough enough and underestimate the true impact (officer note: no concern has been raised by the highway authority in relation to the survey results submitted)
• existing convenience store will be used by another retailer - existing parking problems along Ash Street will continue (officer note: this area is outside of the application site and not within the control of the applicant)
• conflict arising between delivery vehicles and pedestrians
• store will attract more customers using vehicles than those walking to the site
• concern that the works will ultimately result in the need for speed bumps, yellow lines, traffic lights, roundabouts and crossing points
• noise from frequent delivery vehicles, car doors, pedestrians and plant will be a nuisance to neighbouring residents, particularly at unsociable hours (officer note: the hours of operation and deliveries will be controlled to prevent any adverse impact on neighbouring residents)
• increase in litter and vermin
• the development could potentially create anti-social behaviour (officer note: there is no evidence to suggest this)
• noise and disturbance from the construction work (officer note: construction hours will be controlled by condition)
• increase in air pollution
• car fumes from the rear car park will impact on enjoyment of neighbouring gardens
(officer note: the parking area to the rear of the site will be for residents and staff use only so there will not be frequent customer parking movements)

- noise from refuse collections
- excessive opening hours
- concern regarding surface water flooding and drainage (officer note: a condition is imposed requiring the applicant to submit details to show that the run-off from the site will not exceed that of the existing site)
- light pollution from the shop front and security lights (officer note: a condition is imposed to control lighting)
- overlooking from the flats into neighbouring properties and gardens
- there is no need for a larger store, as Ash has plenty of convenience stores and there are larger supermarkets only a couple of miles away
- decrease in property value (officer note: not a material planning consideration)
- building should be converted into family homes (officer note: the council must determine the application before it)
- detrimental alterations to a highly attractive building
- a cash point at the site will result in people visiting the site at all hours (officer note: the provision of a cash point is unlikely to draw a high level of visitors to the site)

Two letters of support have been received outlining the following positive comments:

- the proposed development would be an appropriately sized convenience store for the area and would be the only 1 with pre-planned parking and delivery capacity.

Planning policies.

The following policies are relevant to the determination of this application.

**National Planning Policy Framework 2012**
- Chapter 2: Ensuring the vitality of town centres
- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Requiring good design
- Chapter 8: Promoting Healthy Communities

**Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):**
- G1 General Standards of Development
- G5 Design Code
- H4 Housing in Urban Areas
- NE4 Species Protection
- G6 Planning Benefits
- G7 Shopfront Design

Supplementary planning documents.
- SPG - Residential Design 2004
- SPD - Vehicle Parking Standards 2006
- SPD - Sustainable Design and Construction 2011
- Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2014

Planning considerations.

The main planning considerations in this case are:

- the principle of development
- the impact on scale and character
- the impact on neighbouring amenity
- highway/parking considerations
- impact on Thames Basin Heaths Special Protection Area
• sustainable design and construction
• S.106 requirements

The principle of development

In terms of the retail unit proposed policy S10 of the saved local plan refers to the provision of small scale individual neighbourhood shops and shop extensions which provide for the daily shopping needs of the local community. This policy does not accord with the NPPF and as such little weight can be attributed to it. As such the Council must rely on policies contained within the NPPF.

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; and to ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

Whilst the applicant also operates a convenience store located further along Ash Street to the west (69 Ash Street), the applicant has stated that this store is no longer capable of meeting the Company’s retail trading requirements, having a small sales area of only 172 sq m. In addition, the applicant considers that the existing store is not capable of accommodating a wide enough product range to meet the shopping needs of the local community. Whilst the applicant has confirmed that the store does trade well, it is poorly configured, has no off-street customer parking and has inadequate provision for servicing. The provision of a new local shop which enhances the sustainability of the community and would provide for the communities day to day needs is therefore supported by the NPPF. The applicant intends to cease using the existing convenience store at 69 Ash Street; it is likely to be used by an alternative retail use within the commercial group.

Paragraph 24 of the NPPF 2012 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Paragraph 6.22 of the PPS4 practice guidance states that when considering applications, LPA’s will need to consider the extent of the catchment area likely to be served by the proposal, and to then identify alternative sites located in existing centres within the catchment area. This will determine whether sites in other nearby centres may represent more appropriate locations in which to accommodate the scale and form of development proposed.

In this instance, whilst the proposed A1 use is a main town centre use, the nearest town centre is the Wharf Road district centre which is located 1.08km away (as the crow flies). This district centre is outside of the catchment area, considered to be a reasonable in terms of the area it covers taking into consideration the size of the retail space proposed. As such, no sequential test is required as part of this application.
Paragraph 26 of the NPPF 2012 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). The Council do not have a locally set floorspace threshold and the proposed development would be substantially below the threshold set by the NPPF. As such, no impact assessment is required.

The NPPF provides considerable support for the provision of a retail unit in this location, and such development is therefore acceptable in principle.

In terms of the provision of residential units at first floor level paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a 5-year supply and as such applications proposing a net increase in housing should therefore be considered in the context of the presumption in favour of sustainable development.

Policy H4 of the Local Plan 2003 (as saved by the CLG direction 24/09/07) which is full accordance with the NPPF 2012 states that outside the urban areas of Guildford and Ash and Tongham replacement dwellings will be permitted provided that the development:

- is in scale and character with the area
- has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight
- has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings

Subject to compliance with the above criteria, the proposed provision of flats at first floor level in the existing building is acceptable.

The impact on scale and character

The existing building on site would be retained, with a small first floor addition proposed on the front elevation to provide a two-storey gable feature. The resultant two-storey gable would provide access at the front of the building to the flats at first floor level, together with the residents’ bin store and a bedroom for flat 1. The first floor level of the building would be converted into three flats - 1 two bed flat and 2 x 1 bed flats. With the exception of an alteration to the existing window design, no further external alterations would be required for this element of the proposed development. Due to the relatively minor works required in order to convert the first floor of the dwelling into residential accommodation, the building would retain much of its original character and would be in keeping with the surrounding context and character. The lawned area to the south-east of the site (45 sq m) would be retained and used as amenity land for the residents of the flats.

An A1 retail use is also proposed across the entire ground floor of the existing building. An extension is also proposed to the rear of the building in order to achieve the applicant's requirement for the sales floor area. The proposed addition would extend almost the entire width of the building and would be 10.35 metres deep. In order to provide a visual break between the existing building and the new addition, a narrow metal panel would be constructed into the side elevations at the junction between the two elements which would extend almost the full height of the extension.
This theme would be carried through the extension with matching insulated metal panels being recessed behind the facing brickwork on the side elevations. The rear extension would have a modern flat roofed design which would provide a contrast to the existing building. By providing this contrasting roof design, together with the use of modern materials, the extension will not adversely impact on the integrity of the host building. In addition, the proposed roof design would have the added benefit of limiting the bulk of the proposed addition. Due to the position of the single-storey extension to the rear of the building, and its set back within the plot, it would not be unduly prominent in the street scene.

The ground floor facade of the building would be recessed to add interest and a modern design feature to the building. A shopfront would then be installed across the majority of the front elevation at ground floor. With the exception of the first floor front addition, the installation of the shopfront and the insertion of alternative fenestration, front elevation of the existing building would maintain much of its original form when viewed from the street scene and would not be out of place in this residential context.

The existing detached garage in the south-east corner of the site would be retained and re-used to provide a bin store for the retail unit and a bicycle store for the residents of the flats.

The existing ingress and egress to the site from Ash Street would be widened slightly in order to provide adequate vehicular access to the site. This would also result in a reduction in the depth of the existing lawned area to the front of the site. Whilst it is regrettable that this area of landscaping would be reduced in size, the majority of it would be retained and provide a meaningful break in the hard surfaces on the site. The bus shelter which is currently located on this lawned area would also need to be relocated slightly in order to accommodate the amended access arrangements. A condition has been imposed to secure this work.

**The impact on neighbouring amenity**

The nearest neighbouring residents to the site are 118 Ash Street to the west, the New Poplars Court flatted development to the east, and 21 and 23 Southlands Close to the south.

The proposed first floor addition would be 7.7m from the western boundary of the site and a further 5m to the dwellinghouse at 118 Ash Street. Due to this separation distance no overbearing impact or loss of light would occur. A small single window would be inserted into the western elevation of this first floor addition which would serve a bedroom in flat 1. The view from this window would be limited to the driveway of 118 Ash Street and as such no concern is raised in terms of loss of privacy. The proposed rear extension would have a maximum height of 3.3m and would be separated from 118 Ash Street by the intervening vehicular access along the western boundary. Due to the single storey nature of the extension and the separation distance to 118 Ash Street, no overbearing impact would result.

Similarly, due to the single-storey nature of the proposed development, and the fact that no alterations are proposed to the location or scale of the existing window openings on the existing building, no overbearing, loss of light or loss of privacy would result to the occupants of New Poplars Court. A condition has been imposed which would prevent the roof of the rear extension being used as a roof terrace.

Neither the proposed extension or the creation of three flats at first floor level would result in any adverse impact on the properties to the rear of the site (21 and 23 Southlands Close) due to the separation distances involved, the single-storey nature of the extension and the lack of alteration to existing first floor window openings.
The car park to the rear is accessed along the western boundary of the site and currently comprises 22 vehicle parking spaces. These spaces were used in association with the police section house. This application reduces the number of vehicle parking spaces by 13 to 9, and this will reduce the overall number of vehicle movements to this area of the site. In addition, the use of the access to reach the rear of the building is proposed to be limited to staff, residents of the flats and delivery vehicles only. The parking area to the rear of the building would not be available for customers.

A controlled entrance barrier which would be located to the side of the proposed extension would control access to the rear parking area. The retail function of the site would therefore be predominantly contained to the front of the site, and would help to reduce the level of disturbance to neighbouring residents.

A number of conditions have been imposed relating to noise from plant, opening hours and hours of operation to prevent an unreasonable level of disturbance to neighbouring residents.

The proposed development would therefore not result in any adverse impact on neighbouring amenity, and would comply with policy G1(3) of the saved local plan.

**Highway/parking considerations**

Alterations are proposed to the existing ingress and egress onto the site in order to accommodate vehicle movements for delivery and refuse vehicles. Whilst the existing bus stop would need to be relocated slightly as a result of this alteration to the access, a condition has been imposed to ensure that this is carried out at the expense of the developer. No concern is raised by the County Highway Authority to the proposed access arrangements in terms of highway safety.

The Council's parking standards require the maximum provision of 4 vehicle parking spaces and 3 cycle spaces for the proposed flats, and 9 vehicle parking spaces and 1 cycle space for the retail element. This application seeks to provide 6 vehicle parking spaces and 6 cycle spaces for resident parking, 3 vehicle parking spaces and 4 cycle spaces for staff, and 10 vehicle parking spaces and 2 cycle spaces for customers. Whilst the residents have an over-provision of parking, it is not considered to be excessive and could be used by their visitors. The provision of staff parking spaces to the rear of the building would ensure that customer spaces are not used by staff and would prevent staff members parking in nearby residential roads. The over provision of cycle parking is considered to be acceptable as this would encourage more sustainable methods of transport.

The existing convenience store at 69 Ash Street does not benefit from any off-street parking; therefore customers are forced to parked on the street on a relatively narrow stretch of the road. This parking arrangement often causes delays along the road, inconveniencing other road users. Whilst the applicant is likely to use the existing unit at 69 Ash Street for another commercial use within its group, it would be unlikely to attract the same number of customers or trips that the existing convenience store generates, and as such the proposed development is likely to alleviate some of the existing parking issues at this location and improve highway safety due to improved visibility and on-site customer parking.

The applicant has submitted a transport statement which concludes that there are no highway safety issues which need to be addressed, that the site is accessible by walking, cycling and public transport, that the access arrangements would accommodate the necessary service vehicles and visibility splays would be acceptable. It also confirms that the parking provision would accommodate the expected level of demand and that the residential element of the scheme would have no net impact.
The County Highway Authority has assessed the proposed development and has raised no concerns with regard to highway safety, but has recommended that a S.106 contribution is secured to provide a contribution of £10,000 towards the provision of real time passenger information (RTPI) at the immediate bus stops serving the site and £2,000 towards the provision of SMS plates for the provision of mobile RTPI to encourage the use of more sustainable methods of transport.

Impact on Thames Basin Heaths Special Protection Area

The proposed development may adversely impact on the Thames Basin Heath SPA (TBHSPA). The application proposes 1 x 2 bed unit and 2 x 1 bed units (net increase of 2 x 1 bed units). The Council's adopted TBHSPA Avoidance Strategy 2009 - 2014 (April 2010) requires a SANG contribution of £3,232.98 per 1 bed unit and an Access Management contribution of £446.90 to avoid any adverse impact. The total contribution would therefore be £7,359.76.

The SANG avoidance site will be determined at the time of, or following payment of contribution. A planning obligation is required in accordance with the terms of the Strategy.

Sustainable design and construction

The Council's Sustainable Design and Construction SPD 2011 requires that all new dwellings achieve Code for Sustainable Homes, minimum level three, however, the flats would be created predominantly from the conversion of the existing first floor level of the building which dates back to around the 1930s. Imposing a condition for the applicant to achieve a minimum of level 3 of the Code for Sustainable Homes would be extremely onerous, and is unlikely to be achievable due to the constraints of the existing building. As such, this condition has not been attached. However, a minimum of 10 per cent of the energy requirement for the residential units will be required from low / carbon zero technologies. A condition has been attached to secure this measure.

The resultant floor area of the ground floor retail element is below the threshold required by the Council's SPD to achieve BREEAM and as such no condition is required.

Section 106 requirements

Special Protection Area

The application proposes a net increase of 2 x 1 bed units. A SANGS contribution of £16465.96 and an access management and monitoring contribution of £893.80 is required (total = £7,359.76)

Highways

The following financial contributions will be required on commencement of development:

- £10,000 to the highway authority towards the provision of real time passenger information (RTPI) at the immediate bus stops serving the site
- £2000 towards the provision of SMS plates for the provision of mobile RTPI

Legal agreement requirements

The three tests as set out in Regulation 122(2) require S.106 agreements to be:

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

As the application proposes the provision of 2 additional residential units (net), in order for the development to be acceptable in planning terms, a S.106 agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2009-2014 (February 2010). This strategy has been formally adopted by the Council. In line with this strategy and the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2012 (as amended), a S.106 agreement is required to ensure that the additional residential units proposed by this development will not have any likely significant effect on the TBHSPA. The level of financial contribution sought is required to be in line with the specific tariffs set out in the adopted Avoidance Strategy which relate to the number of residential units and number of bedrooms proposed. As such, the requirement for the S.106 agreement meets the three tests set out above and with a S.106 agreement in place, the proposed development is acceptable in planning terms.

The highway improvements sought by Surrey County Council must also be secured by S.106. These improvements are necessary to encourage alternative methods of transport to the car, by improving the bus infrastructure for route 20.

Conclusion.

The proposed development would be located in a sustainable location, would provide local employment opportunities and the provision of 2 additional residential units within the urban area. The proposed new convenience store would also help to alleviate the parking problems associated with the existing convenience store on Ash Street.

**RECOMMENDATION:**

Subject to a Section 106 Agreement securing the following contributions:

- a SANGS contribution of £16465.96
- an access management and monitoring contribution of £893.80
- a financial contribution of £10,000 to the highway authority towards the provision of real time passenger information (RTPI) at the immediate bus stops serving the site
- a contribution of £2000 towards the provision of SMS plates for the provision of mobile RTPI

the Application be:

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. This decision relates expressly to drawing numbers A-100 revision A, A101 revision A, A-400 revision A, A-900 revision A, A-300 revision A, and additional information received on 15/11/12.
Reason: To ensure that the development is carried out in accordance with the approved plans, and in accordance with policy G1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/09/07).

3. Before any other operations are commenced the proposed amended vehicular accesses to Ash Street shall be constructed in accordance with the approved plans and permanently maintained to the satisfaction of the Local Planning Authority.

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. In accordance with the NPPF 2012 and G1 (2) of the Guildford Local Plan Policy 2003 (as saved by the CLG direction 24/09/07).

4. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory. In accordance with the following policy number G5 (7) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF2012.

5. Prior to the commencement of development, a scheme showing the bus stop to be relocated shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented in accordance with the approved scheme and prior to the opening of the retail unit, or occupation of the residential units, hereby approved.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. In accordance with the NPPF and policy G1(2) of the Guildford Local Plan 2003 (as saved by the CLG direction 24/09/07).

6. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors
(b) loading and unloading of plant and materials
(c) storage of plant and materials
(d) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. In accordance with the NPPF 2012 and policy G1(2) of the Guildford Local Plan 2003 (as saved by the CLG direction 24/09/07).

7. No development shall start until a scheme specifying arrangements for deliveries to and removals from the site, to include details of:

- Specification of types of vehicles
- Design of delivery areas
• Specifications for lorry parking and turning spaces

(d) The average and maximum number of deliveries expected

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users or cause noise and disturbance to nearby residential properties. In accordance with policies G1 (1) and G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

8. No deliveries shall be taken at or dispatched from the site outside the hours of 07.30 to 20.00 Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

9. No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved strategy prior to the opening of the retail unit.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal. In accordance with The Council's SPD on Sustainable Design and Construction 2011.

10. Prior to the opening of the retail unit, details of the barrier to control vehicle access to the rear of the building and details of its operation, together with details of signage stating that no access is available for customers along the side access, shall be submitted to and approved in writing by the Local Planning Authority. The retail unit shall not be occupied until the approved barrier has been installed. The agreed barrier and its operation shall be maintained in accordance with the details approved by the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to the residents of the flats hereby approved or to neighbouring residents by virtue of noise and disturbance. In accordance with policy G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

11. The development shall not commence until details of all boundary treatment, including a boundary along the western boundary of the amenity area for the flats has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of neighbouring properties and the locality. In accordance with the following policy numbers G5 of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.
12. Prior to the opening of the retail unit, details of how noise produced from roll cages during delivery periods will be controlled shall be submitted to the Local Planning Authority for approval in writing. This could include the use of rubber matting. The approved scheme shall be implemented prior to the opening of the retail unit and maintained to the satisfaction of the Local Planning Authority in perpetuity.

Reason: To limit the noise created during delivery periods and to protect neighbouring amenity. In accordance with policy G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping for the soft landscaped area between the ingress and egress to the site. The approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

Reason: In the interests of visual amenity. In accordance with the following policy number G5 (7) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity. In accordance with the following policy number G5 (7) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

15. No development shall start on site until details of (i) the predicted energy use of the flats and (ii) the type(s) of low or zero carbon technologies to be used, have been submitted to, and approved in writing by, the local planning authority. These details will demonstrate how the development will achieve at least a 10% reduction in carbon emissions. Such details as may be approved shall be implemented prior to the first occupation of the flats and retained and maintained for the lifetime of the building.

Reason: To reduce carbon emissions and incorporate sustainable energy. In accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

16. The use hereby permitted shall not operate other than between the hours of 06.30 and 22.30 Mondays to Saturdays (inclusive) and 06.30 and 22.00 Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.
17. The roof area of the flat roofed extension hereby permitted shall not be used as a balcony, roof garden or amenity area.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

18. Prior to the commencement of development, details of suitable ventilation and filtration equipment shall be submitted to, and approved by the Local Planning Authority in writing. The approved equipment shall be installed to suppress and disperse fumes and/or odours created by operations carried out on the premises. Such equipment shall be installed, operated and maintained in full working order in accordance with manufacturer’s instructions throughout the proposed use. Charcoal filters should be included and flue discharge 1 metre above eaves level.

Reason: To protect neighbouring amenity in accordance with policy G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

19. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between 07.30 hours and 18.00 hours Monday to Friday, between 08.00 hours and 13.00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

20. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity.

Reason: In the interests of visual amenity. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

21. Prior to the opening of the retail unit, details of internal lighting levels required for security purposes outside of the hours of operation of the retail unit shall be submitted to and approved in writing by the Local Planning Authority. The lighting levels shall not exceed those in the approved scheme.

Reason: In the interests of visual and neighbouring amenity. In accordance with the following policy number G1 (3) and G1 (8) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

22. The vehicle parking area to the rear of the building shall be retained for use by the residents of the first floor flats hereby approved, their visitors and the staff of the ground floor retail unit and shall not at any time be available for use by customers of the retail unit.
Reason: To reduce the likelihood of roadside parking, and to protect the amenity of neighbouring residents. In accordance with the following policy numbers G1 (2) and G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

23. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users. In accordance with the NPPF 2012 and G1 (2) of the Guildford Local Plan Policy 2003 (as saved by the CLG direction 24/09/07).

24. Any plant or equipment etc, installed and operated at any time in connection with the carrying out of this permission shall not produce mechanical broadband or tonal noise that is clearly audible at the boundary of any noise sensitive premises. Noise from mechanical plant shall not arise greater than -5dBA below the existing background noise level (LA90) or generate any transient, cyclical tonal or impact noise or vibration that would increase the residual continuous equivalent noise level (LAn eq) at any nearby residential or other noise sensitive boundary. A correction factor of 5 dB(A) must be included to account for any particular tonal quality arising from the plant or equipment. (Note: Tonal noise shall be considered in one-third octave spectra).

Details of a regular and routine maintenance programme shall be submitted to the Local Planning Authority for agreement in writing prior to the occupation of the building and shall be employed to ensure operational plant does not increase noise output due to mechanical wear or defect that will result in any unit failing to meet the above noise criteria.

Reason: To protect the neighbours from noise and disturbance. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

25. Any works of demolition and construction including any piling work required should be conducted in accordance with BS 5228 (parts 1 & 4) for noise control. Only silenced piling equipment shall be used so as to minimise noise disturbance.

Reason: To protect the neighbours from unnecessary noise and disturbance. In accordance with the following policy number G1 (3) of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) and the NPPF 2012.

26. The dwellings hereby approved shall not be occupied as dwellings until the Council has implemented the TBHSPA avoidance measures to be funded by the Suitable Alternative Natural Green Space contribution, the payment of which contribution has been secured by the section 106 agreement, which was a condition precedent to the grant of this planning permission.
Reason: Avoidance works associated with development need to be carried out prior to the occupation of the development so that the measures can cater for increased number of residents in accordance with Circular 06/2005 "Biodiversity and Geological Conservation " and the "Habitats Regulations 1994", Managing Natura 2000 sites and policy NE1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07).

Informatives:
1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk

2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.

3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highway Service Group.

4. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a licence must be obtained from the Highway Authority Local Highway Service Group before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

5. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

6. The applicant is reminded of the need for the development to comply with the requirements of the Food Safety Act 1990, Food Hygiene (England) Regulations 2006, EC Regulations: 852/20004. No 178/2002 and is advised to consult with the Head of Environmental Health & Licensing Services.

7. The applicant is reminded of the need for food business to register with the Local Authority 28 days prior to opening and is advised to contact the Head of Environmental Health & Licensing Services.
8. The applicant is reminded of the need for the development to comply with the requirements of the Health and Safety at Work etc. Act 1974 and is advised to consult with the Head of Environmental Health & Licensing Services.

9. The applicant is recommended to contact the Principal Environmental Health Officer (Environmental Control) to deal with the requirements of section 60/61 Control of Pollution Act 1974.

10. Due to the proximity of residential accommodation there should be no burning of waste material on site.

11. During demolition or construction phases, adequate control precautions should be taken in order to control the spread of dust on the site, so as to prevent a nuisance to residents in the locality. This may involve the use of dust screens and importing a water supply to wet areas of the site to inhibit dust.

12. The references made to advertisements on the submitted drawings are only indicative of the applicants intention for signage. Any signage would require separate advertisement consent.

13. In accordance with paragraphs’ 186 and 187 of the National Planning Policy Framework, Guildford Borough Council take a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by

   (a) Offering a pre application advice service
   (b) Updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

The applicant entered into pre application discussion and submitted the scheme that was agreed with the exception of some minor alterations. No further changes were sought throughout the application process.

Reason for decision:

The development hereby approved has been assessed against Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) and the NPPF and been found to be in compliance with its policies. In particular, the Council determined that the proposals comply with policy G1, which relates to the general standards of development, including the protection of amenities enjoyed by the occupants of neighbouring properties; Policy G5, which provides a design code that proposals should comply with; Policy H4 which relates to the provision of housing in urban areas and the requirement to be (1) in scale and character with the area, (2) have no unacceptable effect on the amenities enjoyed by neighbouring occupants, (3) have no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings, Policy NE4 which relates to species protection, Policy G6 which relates to benefits as a result of a planning need which arises from a proposed development and Policy G7 which relates to standards for shopfront design.
Policy S10 of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07) does not accord with the NPPF 2012 and as such no weight can be attributed to it. As such the Council must rely on the NPPF. The NPPF provides support for services to meet the needs of local communities including local shops, particularly those which enable the community to meet its day-to-day needs and states that shops and other services should be able to develop and modernise in a way that is sustainable for the benefit of the community. The provision of a new Co-op store would therefore gain support from the NPPF. The size of the retail unit would not require an impact assessment; and due to location of the site at some distance from an existing town centre, a sequential test would not be required.

The proposed retail unit would put into use an existing vacant building and would provide services to the local community, and provide jobs. It would not adversely impact on the character of the area and would not result in an adverse impact on the character of the area, nor would it result in an adverse impact on highway safety. The Council’s parking standards would also be met. A number of conditions are recommended to protect neighbouring amenity.

The NPPF provides support for applications proposing a net increase in housing. This application proposes an increase from one existing unit to a total of three. These units would predominantly be provided within the existing building and require little external alterations to be carried out. The Council’s parking standards would also be met in this regard. The residential element of this application would be in scale and character with the area, would have no adverse impact on the occupants of neighbouring properties and would have no unacceptable effect on the existing context and character of the adjacent buildings and the immediate surroundings.

As a result of the proposed development a planning need was established for upgrades to the bus stop to the front of the site (which will be relocated slightly as part of the scheme) to provide a real time passenger information board and SMS plate, and to provide a contribution to mitigate against the impact of the development on the Thames Basin Heaths Special Protection Area. The applicants have entered into a S106 agreement to secure these highways contributions and the SPA contributions in line with the Council’s TBHSPA Strategy 2009-2014.

Accordingly it is held that the development is consistent with policies G1, G5, G6, G7, H4 and NE4 of the Guildford Borough Local Plan 2003 (as saved by the CLG direction 24/09/07), the NPPF 2012 and with supplementary planning guidance documents: Residential Design 2004, Vehicle Parking Standards 2006, Sustainable Design and Construction 2011 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2014.

Regard has been had to all representations made. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a reason for refusal.

Other material considerations, including all third party representations, have been considered. It has been concluded that the proposed development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a reason for refusal.