



GUILDFORD
B O R O U G H

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Managing Director

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Dear Councillor

PLANNING COMMITTEE – WEDNESDAY 29TH JULY 2020

Please find attached the following:

Late Sheets - Late Representations and Amendments and Corrections
(Pages 1 - 8)

Yours sincerely

Sophie Butcher, Democratic Services Officer
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Planning Committee

29 July 2020

Amendment/Correction/Update List

Election of Vice-Chairman

The Council elected at its meeting on 28 July, Councillor Colin Cross as Vice-Chairman of the Planning Committee for the municipal year 2020-21.

Rules for Debate

If, following consideration of any application, it becomes clear that the Committee does not concur with the officers' recommendation and it is necessary to consider an alternative motion, you will recall that we follow a process that we know informally as the "huddle", where the proposer and seconder of the alternative motion discuss with the Chairman and relevant officers the detailed wording for reasons for refusal of an application (where it is the Committee's wish to refuse) or details of conditions to be attached to a planning permission (where it is the Committee's wish to approve). For the avoidance of doubt, the procedure is laid out in the late sheets for reference and will be updated in the notes section of the agenda – 'Procedure for determining planning and related applications' for all future planning committee meetings.

- (e) Once the debate has concluded the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried, then the Chairman will ask for an alternative motion to be proposed.

In any case where the motion is contrary to officer recommendation that is:

- Approval to refusal, or
- Refusal to approval, or
- where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission.

the following procedure shall be followed:

Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion, the Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken in accordance with point 11 of the Remote Meetings Protocol.

19/P/02197 – (Page 185-226) – Land south of, Guildford Road, Ash, GU12 6BS
Proposal (page 202-204)

Details

Provisionally infrastructure works and house construction to commence on site in late 2020/early 2021. First new home occupations are expected in the winter of 2021, with completion by late 2023.

Planning policies (210)

Strategic Development Framework Supplementary Planning Document (SDF SPD)

The SDF SPD was adopted at the Council's Executive on 21.07.2020.

Planning considerations.

The highway matters (page 221)

Safe routes

There is a section of the PROW from Harpers Road which is outside the redline. When access was considered under the outline permission no S106 financial contribution or S278 works were required necessary. As this is a reserved matters application access is not for consideration and works to land outside the redline cannot be requested.

Ecology and biodiversity (page 223)

The badger sett would have a 5m wide wildlife and landscape buffer zone and unrestricted access to all the land to the south of this development proposal. The internal restriction zone of no dwellings is fully compliant in accordance with Natural England's advice.

Sustainable design and construction (page 224)

Air source heat pumps (ASHPs) installed to 8 homes with photovoltaic solar panels.

The 8 homes with solar panels and ASHPs have the potential to provide substantial carbon savings. As the ASHP is an electrical technology, when used with solar panels would eliminate the residual emissions that would result from the electricity that powers the ASHP units. To ensure that the location of the ASHP is suitable due to their impact on visual and neighbour amenity, a further condition shall be required. The requirements of condition 10 of the outline permission would ensure that details of energy efficiency (well insulated and draught-proof) for efficient heating systems would be required as the 8 homes would need suitable heating systems to increase the area of heat emitting surfaces.

20/P/00141 – (Page 227) - Lexicon House, 10 Midleton Industrial Estate Road, Guildford, GU2 8XW

Condition 2 has been updated:

This permission shall be personal to Airhop Guildford Ltd. and shall not take effect for the benefit of the land. Upon the aforementioned ceasing to use the premises for the use permitted, this permission shall cease and become null and void. All material and equipment bought on to the premises in connection with the use shall be removed.

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case

This reflects the correct business name for Airhop Guildford Ltd. as confirmed by the planning agent.

20/P/00346 – (Page 237) – Land at Britains Farm, 42, The Street, West Horsley, KT24 6AX

On p.245 of the agenda under the heading Site Description, it states that the Royal Legion Club is located to the west of the application site, this is incorrect and should read:

To the east of the site is the Royal Legion Club.

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Planning Committee

29 July 2020

Late Representations

Since the last date for the submission of views on applications/matters before the Committee this evening, representations in respect of the under mentioned applications/ matters have been received. The letters, copies of which will be available for inspection by councillors at the meeting, are summarised below.

Item 6 – Planning Applications

19/P/01479 – (Page 93) – Rudge Cottage, Perry Hill, Worplesdon, Guildford, GU3 3RE

A late letter was received sent to all Members of Planning Committee dated 27 July and is summarised below:

- Members were not fully informed of a window on the side elevation of Lavender Tree, an adjacent dwelling at the August 2016 meeting when application 16/P/00627 was approved.
- A pre-application response in 2015 did not mention this neighbouring window.
- Policy G1 (3) has not been quoted in the Officers report, therefore it is not clear that an assessment against this policy has been made.
- The 'Residential Extensions and Alterations' Supplementary Planning Document is not listed in the Officers report which refers to the 45-degree line from existing windows. No assessment of the 45-degree line from the side first floor window of Lavender Tree has been made in the Officer's report.
- The fact that this side window is now recognised should not result in an acceptance of an outlook of a new house under 6m away with a 9m blank brick wall and roof rising above the window in question which is unacceptable.
- Reference is made to the erection of a new detached house and car port, but the car port has now been omitted from the scheme.
- Concern is raised regarding the measurements on the submitted drawings.
- The slab level is shown to be 1-2m below that of Lavender Tree indicating the difficulty of shoe-horning the proposed dwelling into the site
- The report fails to offer essential information that is pertinent to other environmental impacts such as on established trees.
- Concern that the consultation response from Historic England making no comment on the application does not reflect comments made by Historic England's Principle Inspector of Ancient Monuments previously stating 'we think that the application that would most affect the setting of the church is that for a new dwelling in the grounds of Rudge Cottage' and confirmed to the Local Planning Authority that 'our letter is to confirm that we make no comment and is not to be interpreted that we approve of the proposal'.
- Although the Ombudsman found no fault in the process followed in the previous decision, this does not reflect on the grant of planning permission and whether it was legally sound.
- A consideration of approval of 16/P/00627 was the Council's lack of a 5-year supply of dwelling sites, this no longer pertains, the current 5-year supply situation is satisfied without this windfall site.
- The enormity of the situation can only really be appreciated by a site visit to include the outlook from the room in question.

Two further late letters of representation were also received 27 and 28 July and are summarised below:

- the original application was granted after considerable debate and many untruths spoken by a then local councillor
- the proposed dwelling is 32% bigger on the first floor something which is not mentioned in the committee report, and the two-storey dwelling as now proposed is clearly too large for the plot and should be refused on the grounds of height, bulk and mass
- It is unclear whether the car port mentioned in the description of the development is proposed, is this included in the figures and dimensions
- The chalet bungalow, known as The New Barn is not shown on any plans
- There have been numerous plans submitted on this application, clearly the applicant has considerable difficulty in siting his intentions and the plans are still inaccurate and levels completely misleading given that there is a levels difference of 1m across the plot.
- The proposal is within 30m of a Grade 1 listed church, St Mary's
- The dwelling is too large and bulky, it is not a chalet bungalow and should be refused.
- a site inspection should be carried out
- policy G1(3), HE4 and HE10 have not been referred to in the Officer's report
- a photo of the existing outlook achieved from the side first floor window of Lavender Tree was sent which it is stated measures 2.2m across with a 1m drop; this window is shown on the approved plans for Lavender Tree
- the first-floor window serving Lavender Tree was ignored in the 2016 application
- no privacy would be retained by Lavender Tree due to the combination of the proposed development (if approved) and the recent additions to the other neighbouring property to Lavender Tree
- a link was provided to a video clip of the Grade I Listed Church, St Mary's
- Historic England's Principal Advisor for London and the south-east of England had written to say 'we think the application that would most affect the setting of the church is that for a new dwelling in the grounds of Rudge Cottage'.
- No ecology survey has been carried out despite the proximity of the SPA / SSSI 500m away and Natural England's designation of the historic churchyards as a Priority Habitat.
- a photo was provided of a snake identified as a grass snake in the garden of Lavender Cottage a few weeks ago
- a photo was provided of a public view of the Conservation Area site on emerging through the churchyard along the public footpath from Whitmoor Common. If built, the proposal, which is far bulkier than the chalet bungalow approved in 2006, would be in public view which an uncharacteristic increased density of housing immediately on the doorstep of the Grade I Listed heritage asset.
- The author of one of the letters also thanked Cllr Nagaty for taking the trouble to visit the site

In response to the late letters received the Planning Officer has the following comments to make:

- Whilst reference was not specifically made in the Officers report to a first floor side window in the side elevation of Lavender Tree committee when application 16/P/00627 was heard at planning committee, a photo of the windows was shown during the presentation and as such enabled Members of the planning committee to take it into consideration when determining the application.
- Whilst the lack of a 5-year housing land supply weighed in favour of the 16/P/00627 application, the proposal itself was not considered inappropriate development at that time, due to the publication of the NPPF which allowed for limited infilling in villages. Whilst the Council can now demonstrate a 5-year housing land supply, this does not mean that sites other than those which have been allocated in the Local Plan 2019 are unacceptable in principle.
- During the course of the application the car port was omitted from the scheme. For clarity the description of the proposal is amended to 'Erection of a new detached house in the garden area of Rudge Cottage'. This amended description has been agreed by the applicant.
- Policies G1(3), H4 and HE10 were incorrectly omitted from the list of Local Plan policies the application was assessed against under the heading Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) on p.104 of the agenda. The considerations dealt with by these policies have, however, been clearly assessed under the relevant sections in the committee report:
 - Impact on heritage assets
 - Impact on neighbouring amenity

Therefore, no further assessment is required following this update.

- The Residential Extensions and Alteration Supplementary Planning Guidance, whilst not specifically relevant to the proposed development, being a proposal for a new dwelling and not an extension or alteration to an existing dwelling, it does provide a useful guide to assessing the potential for loss of light. The Guidance states that, where buildings are located adjacent to one another, the 45 degree guide applies. It goes on to say that the guide will be applied to windows serving habitable rooms to the rear of properties to assess the impact of the extension. It does not therefore relate specifically to side windows. An assessment of the impact of the proposal on this window is however assessed within the Officers report.
- The reference to comments made by Historic England were not provided following to the Local Planning Authority during the consultation process of this application. Any comments made directly to third parties cannot be taken into account.
- Ecological surveys should only be required where there is a reasonable risk of a protected species or habitat being present on the site. No ecological survey of the site was submitted, or considered necessary in this instance, taking into consideration the nature of the application site, being formerly part of a domestic garden and not involving the demolition of buildings or the loss of veteran trees, the site not being within a short distance of watercourses and not being located on an international, national or locally designated biodiversity site etc. where the greatest

risk of affecting biodiversity would occur. To require the submission of an ecological survey otherwise would be unnecessarily onerous on the applicant. Other legislation such as the Wildlife and Countryside Act 1981 (as amended) would continue to apply and make it an offence to deliberately capture, kill or disturb most protected species, or to destroy their resting places or breeding sites.

19/P/02197 – (Page 185-226) – Land south of, Guildford Road, Ash, GU12 6BS

Third party comments: (page 208) updated

27 individuals have objected from 23 properties.

One additional response to object was received this did not raise any additional concerns.