

PLANNING COMMITTEE

* Councillor Fiona White (Chairman)
Councillor Colin Cross (Vice-Chairman)

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| * Councillor Jon Askew | * Councillor Angela Gunning |
| * Councillor Christopher Barrass | Councillor Liz Hogger |
| Councillor David Bilbé | The Mayor, Councillor Marsha Moseley |
| * Councillor Chris Blow | * Councillor Ramsey Nagaty |
| * Councillor Ruth Brothwell | * Councillor Maddy Redpath |
| * Councillor Angela Goodwin | * Councillor Pauline Searle |
| | * Councillor Paul Spooner |

*Present

Councillors Bob McShee, Deborah Seabrook and Catherine Young, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors David Bilbé, Colin Cross, Liz Hogger and The Mayor, Councillor Marsha Moseley. Councillors Tim Anderson and Graham Eyre were in attendance as substitutes for Councillors Colin Cross and the Mayor, Councillor Marsha Moseley respectively.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor Ruth Brothwell declared a non-pecuniary disclosable interest in application 21/P/01106, The Old Cottage, Broad Street, Guildford, GU3 3BE. She would speak in her capacity as ward councillor for that application and then withdraw from the meeting for the duration of the debate as well as the vote taken.

PL3 MINUTES

The minutes of the Planning Committee held on 9 June and 14 July 2021 were approved and signed by the Chairman as a true record.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 DEFERRED - 21/P/00535 - LAND BETWEEN SMUGGLERS END AND MERLINS, SMUGGLERS WAY, THE SANDS, FARNHAM, GU10 1LW

The Committee noted that the above application had been deferred owing to late information being received from the AONB Advisor and CPRE. The application would come back to the Committee at a later date.

**PL6 21/P/00339 - ELM COTTAGE, THE STREET, WEST CLANDON, GUILDFORD, GU4
7TG**

The following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Miles Palmer (to object)

The Committee considered the above-mentioned full application for erection of one pair of semi-detached dwellings and one detached dwelling, following the demolition of detached bungalow, with associated access, parking and landscaping.

The Committee was informed by the Specialist Development Management (Applications) Officer, Becky Souter that the proposal related to Elm Cottage which was a detached bungalow located off The Street in West Clandon. The site benefitted from extant planning permission to construct two detached dwellings. The surrounding area was characterised by properties of various styles, designs and sizes. The density within the area differed as there were areas of fairly dense development particularly to the north of the site. The application included the formation of a new access to serve the detached unit whilst the existing access would serve the two semi-detached units. The County Highway Authority had assessed the proposal and were satisfied that this would not have a material impact on highway safety. The proposed access would replicate what had been approved under the 2019 permission which could be implemented at any time. There were significant areas of soft landscaping to the front of the dwellings incorporated within the layout which would soften the impact upon the streetscene and respected the character of the surrounding properties. The elevations of plot 3 were of similar design to plots 1 and 2 with a fully pitched roof and side gable ends. The dormer style was replicated and was the same design as approved in the 2019 scheme with the exception of the single storey side element.

The proposed street scene allowed an appreciation of the similarities in design of the units such as when compared with the side elevation of the neighbouring dwelling on Bennett Way. The height of the proposed dwellings would be lower than the ridge heights of the immediate neighbours and therefore would not dominate but instead provided a gradual step up in height appropriate for its corner location. When comparing the approved scheme and extant scheme to the proposed the spacing to the boundaries and in between the dwellings had been increased from the approved scheme. The proposal would therefore not take up any significantly greater area of the plot but instead deliver three units, two three-bed dwellings and one four-bed unit compared to two four-bed units. The application having been assessed by officers and statutory consultees had found that the proposal was acceptable in policy terms and recommended it for approval subject to the completion of a S106 Agreement to secure a SANG and SAMM contribution.

The Chairman permitted Councillor Catherine Young to speak in her capacity as Ward Councillor for three minutes.

The Planning Officer confirmed in response to concerns raised by the public speaker and ward councillor about the size of the parking spaces and the ability of cars to be able to leave the site in forward gear had been assessed by the County Highway Authority as acceptable and therefore the Council could not object to the scheme on that basis. The site had already been assessed by the Planning Inspectorate as one of limited infilling. Whilst the existing bungalow onsite was large it was also surrounded by much smaller properties on smaller plots and therefore was not out of character with the surrounding area.

The Committee discussed the application and noted that the creation of two three-bed dwellings by splitting one of the properties was a positive given the demand for smaller more

affordable dwellings in Guildford. The size of parking spaces was managed by Guildford Borough Council and not the County Highway Authority and further clarification was sought in relation to that.

The Committee noted comments that the Council needed to have a proper infilling policy so that this could have been contested from the outset. The proposal would have a detrimental impact on the character of the site and surrounding area as per policy G5, D1, NE1, NE4 and did not meet regulation 62 of the Habitats and Species Regulations. Making a SANG contribution did not absolve the issue that the proposal was out of scale with the neighbouring dwellings and would have an adverse impact on the character of the countryside and local impact. The houses in West Clandon were generally large and set within large plots which this scheme did not reflect.

The Committee was sympathetic to the concerns raised regarding having to manoeuvre a car onto a busy road from the proposed site and considered that it might contravene the 2006 Parking Standards.

The Committee considered comments made that a lot of the issues of concern raised had already been addressed as part of the extant permission. No significant material changes had been made apart from the splitting up of one house into two three-bed dwellings which would go further to meeting the local housing need in the area.

In response to concerns raised, the Specialist Development Manager (Majors), Kelly Jethwa confirmed that the County Highway Authority had assessed the scheme and concluded that it did not represent a safety risk and could therefore not be pursued as a reason by the Council. It was also noted that the officers would have also looked at the size of the parking spaces which were in accordance with the existing parking standards.

The Committee agreed that owing to the additional dwellings created on plots 1 and 2, this had resulted in a significant over-development of the site which created additional hardstanding that was detrimental to the Special Protection Area, was not in keeping with the character of the village and created small gardens that were not typical of the area.

A motion was moved and seconded to approve the application which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Jon Askew	X		
2	Graham Eyre	X		
3	Christopher Barrass		X	
4	Angela Goodwin	X		
5	Maddy Redpath		X	
6	Ramsey Nagaty		X	
7	Tim Anderson		X	
8	Paul Spooner	X		
9	Pauline Searle		X	
10	Ruth Brothwell		X	
11	Fiona White	X		
12	Angela Gunning	X		
13	Chris Blow		X	
	TOTALS	6	7	0

A subsequent motion was moved and seconded to refuse the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning		X	
2	Angela Goodwin		X	
3	Paul Spooner		X	
4	Tim Anderson	X		
5	Chris Blow	X		
6	Ruth Brothwell	X		
7	Ramsey Nagaty	X		
8	Maddy Redpath	X		
9	Fiona White		X	
10	Graham Eyre		X	
11	Jon Askew		X	
12	Pauline Searle	X		
13	Christopher Barrass	X		
	TOTALS	7	6	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to refuse application 21/P/00339 for the following reasons:

1. The proposed development on plots 1 and 2 by reason of the amount of development, limited plot size, and dominance of hardstanding to the front of the site, would have a detrimental impact on the character of the site and surrounding area, contrary to policies G1 and G5 of the saved Local Plan 2003, policy D1 of the Local Plan: Strategy and Sites, 2015-2034, paragraphs 130 and 134 of the NPPF, 2021 and the requirements of the National Design Guide, 2019.
2. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policies NE1 and NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.

PL7 21/P/01106 - THE OLD COTTAGE, BROAD STREET, GUILDFORD, GU3 3BE

The following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Evan Leighton-Davis (to object) (read by the Democratic Services Officer);
- Mr Tim Wood (in support) and;
- Mr Andrew Badosz (Agent) (in support)

The Committee considered the above-mentioned full application for erection of a single storey garden office outbuilding (retrospective application).

The Committee was informed by the Development Management Majors Lead, Paul Sherman, that the garden building which had been built retrospectively was to be used in association with the host dwelling. The application had been referred to committee as more than 10 letters of support had been received contrary to the officer's recommendation. The development was for the construction of a new building in the Green Belt and as such constituted inappropriate development. The development was harmful by definition and also adversely impacted on the openness of the Green Belt which decision makers were required to afford substantial weight to. Planning officers had concluded that the development would not result in harm to the character of the area, or to the adjoining properties or highway safety, however the absence of harm did not in itself weigh in favour of granting planning permission.

Planning permission could only be granted where very special circumstances would clearly outweigh the harm caused to the Green Belt by virtue of the inappropriate development. The applicant had advanced considerations that they felt individually or cumulatively amounted to very special circumstances. These were that a very similar or larger building to that which was subject of this application could be erected under permitted development, known as the fallback position. Additionally, the personal circumstances justified granting planning permission. With regard to the fallback position, the current building did require planning permission. Whether or not a similar building could be erected under permitted development had not been established without a Lawful Development Certificate and would not necessarily be preferable in planning terms to allow the current proposal as an alternative to any fallback position. Planning officers therefore considered that this should be afforded little weight. The personal circumstances had been summarised in a letter sent from the applicant's agent to planning committee members and the Committee was therefore asked to avoid discussing the details of those personal circumstances in the debate. Planning officers considered that the personal circumstances were a significant material consideration that did weigh in favour of granting planning permission.

The Chairman permitted Councillors Ruth Brothwell and Bob McShee to speak in their capacity as ward councillors for three minutes each respectively. Councillor Brothwell left the Council Chamber after she spoke, for the duration of the debate and vote taken in relation to this item owing to the non-disclosable pecuniary interest she declared in the application.

The Committee considered concerns raised that the applicant had made a genuine mistake in constructing the outbuilding, thinking they were able to do so under Permitted Development Rights. Whilst it was acknowledged that the building had been erected retrospectively in the Green Belt, it was also very small in size, unobtrusive and could not be seen by neighbours. The Committee agreed that very special circumstances existed which outweighed the harm that would be caused to the Green Belt. The applicant had also offered the removal of Class E Permitted Development Rights which the Committee agreed should only be removed in respect of outbuildings.

A motion was moved and seconded to refuse the application which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow		X	
2	Jon Askew		X	
3	Angela Goodwin		X	
4	Angela Gunning		X	
5	Ramsey Nagaty		X	
6	Graham Eyre		X	
7	Fiona White		X	
8	Chris Barrass		X	
9	Maddy Redpath		X	
10	Pauline Searle		X	
11	Tim Anderson		X	
12	Paul Spooner		X	
	TOTALS	0	12	0

A subsequent motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Gunning	X		
2	Pauline Searle	X		
3	Graham Eyre	X		
4	Paul Spooner	X		
5	Ramsey Nagaty	X		
7	Maddy Redpath	X		
8	Chris Blow	X		
9	Fiona White	X		
10	Tim Anderson	X		
12	Angela Goodwin	X		
13	Jon Askew	X		
14	Christopher Barrass	X		
	TOTALS	12	0	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/01106 subject to the following conditions and reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: AS BUILT PLANS AND ELEVATIONS – GARDEN STUDIO, BLOCK PLAN and LOCATION PLAN received on 17 May 2021.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes E shall be carried out on the dwellinghouse hereby permitted or within their curtilage.

Reason: The outbuilding approved constitutes inappropriate development within the Green Belt, there are special circumstances which, subjected to the condition imposed, clearly outweigh the harm that would be caused.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was considered unacceptable, however due to special circumstances was allowed at committee.

2. 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

3. The applicants attention is drawn to the officers comments, the development by virtue of being a new building within the green belt is considered unacceptable, the very special circumstances identified have been considered to outweigh the harm to the green belt and therefore make the application acceptable.

PL8 20/P/02011 - 34 FITZJOHN CLOSE, GUILDFORD, GU4 7HB

The Committee considered the above-mentioned full application for erection of a rear conservatory (part retrospective).

The Committee was informed by the Specialist Development Management (Applications) officer, Sakina Khanbhai that the application sought retrospective planning permission for a single storey rear extension. There was already an extant permission in place approved last year. The current application had been submitted to include brickwork below ground level to show the damp course level. The application site was comprised of a two-storey semi-detached dwelling located in the urban area of Guildford. The line of the existing fence was assessed by the planning officer as part of a site visit. The extension measured 3.3m in depth

by 3.6 metres in width. The current plan showed a damp proof course level, finished floor level and ground level which was omitted from the extant permission. The additional brickwork was below the finished floor level of the extension, underneath the door openings and included the DPC level. The height of the extension was 3.5 metres when including the DPC level below ground level. It was important to note that the height and positioning of the extension was no different to the extant permission, the material difference was that the ground level had been dug out to show the DPC level, however the height of the extension had not changed. The measurements taken on site were in accordance with the drawings submitted under the current application. The application was considered by the planning officer to be acceptable in terms of design and scale and would not result in detrimental harm to neighbouring amenities and was therefore recommended for approval.

The Chairman permitted Councillor Deborah Seabrook to speak in her capacity as ward councillor for three minutes.

The Committee considered concerns raised that permitted development rights had been removed from this street owing to the small nature of the properties and the negative impact extensions of this kind would have upon neighbouring amenities. The extension would also cause a significant loss of light contravening the 45-degree angle. The plans submitted originally for this application were misleading as the dimensions gave the impression that it was lower than a previously refused application because it omitted the section below the damp proof course. It was recommended that the application was deferred so that its height could be amended.

The Specialist Development Management (Majors) Officer, Kelly Jethwa confirmed that an amended application was not what was before the committee, rather the Committee had to make a decision based upon the application before it now.

The Committee discussed the application and noted comments that the eaves level appeared to be the same as the extant permission. It was recognised that it was unfortunate that the plans had not been amended. The Committee noted that the original plans had failed to indicate the DPC level. Planning officers measured the height from the ground level and the height of the extension had not in fact changed. The Committee was concerned regarding the loss of light caused to the neighbouring property. The plans were as submitted showing a brick wall up to the eaves. The Committee asked if light was measured before and after a development and was confirmed that planning officers did not do that. The SPD requirement was the BRE 45-degree angle assessment which in this case was breached but was not considered to be materially harmful enough and was the same as the extant permission.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Angela Goodwin	X		
2	Fiona White	X		
3	Chris Blow	X		
4	Paul Spooner	X		
5	Christopher Barrass	X		
6	Ramsey Nagaty	X		
7	Tim Anderson	X		
8	Ruth Brothwell	X		
9	Jon Askew	X		
10	Pauline Searle	X		
11	Angela Gunning	X		
12	Graham Eyre	X		
13	Maddy Redpath	X		
	TOTALS	13	0	0

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 20/P/02011 subject to the conditions and reasons as detailed in the report.

PL9 21/P/00542 - ALDERSHOT ROAD ALLOTMENT SITE, WOODSIDE ROAD, GUILDFORD

The Committee considered the above-mentioned full application for a variation of condition 2 (approved plans) and 3 (arboricultural method statement) of planning permission 20/P/00478, approved on 20/05/2020, to allow the creation of a footpath alongside the approved access and the submission of an updated arboricultural method statement.

The Committee received a presentation by the planning officer, Paul Sherman that the application sought a variation to allow for the creation of a pedestrian footway from Woodside Road into the site and as this was only a minor material amendment the only relevant consideration was the effect of the change proposed. It was not appropriate to consider the matters which led to the grant of the original planning application. The application had been referred to the Planning Committee as the Council was the applicant and the Committee determined the original application for the allotment site.

The proposed amendment sought to create a footpath adjacent to the new access serving the site. The proposal would not result in any greater tree loss than the previously approved scheme. The scheme would also result in an improved access arrangements for pedestrians accessing the site and would not give rise to any highway safety concerns.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Chris Blow	X		
2	Chris Barrass	X		
3	Ruth Brothwell	X		
4	Jon Askew	X		
5	Angela Gunning	X		
6	Paul Spooner	X		
7	Maddy Redpath	X		
8	Ramsey Nagaty	X		
9	Pauline Searle	X		
10	Fiona White	X		
11	Graham Eyre	X		
12	Tim Anderson	X		
13	Angela Goodwin	X		
	TOTALS	13	0	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00542 subject to the conditions and reasons as detailed in the agenda.

PL10 21/P/00812 - 36 RAILTON ROAD, GUILDFORD, GU2 9LX

The Committee considered the above-mentioned full application for single storey rear conservatory extension and enlargement of second floor dormer.

The Committee was informed by the Specialist Development Management (Applications) Officer, Sakina Khanbhai that the application had been referred to the Planning Committee by the Head of Place as the application had been submitted by a member of staff. The application site was comprised of a mid-terrace three storey property located in the urban area of Guildford and the application sought permission for the erection of a ground floor infill extension and enlargement of an existing rear facing dormer window. No objections had been received in relation to the widening of the dormer enlargement and was not considered to impact upon the scale, character and neighbouring amenities.

The Committee noted concerns raised that the proposed extension would contravene the 45-degree angle. Clarification was sought from planning officers over how harmful the extension would be to the neighbour's enjoyment of their amenities. It was confirmed by the planning officers that the ground floor rear extension did infringe upon the 45-degree line however it was a lightweight structure, glazed, with a modest projection and therefore not considered to have an unacceptable impact. The enlargement of the dormer with regard to its siting and positioning within the roofslope was sufficient to not be out of keeping with the character of the area. Additionally, very clear guidance was outlined in the Council's SPD Alterations and Extensions document which stated that a dormer should not dominate the roofslope. In this case the dormer was well designed and did not dominate the roofslope owing to it being set back from the eaves and shared boundaries with the adjoining terraces. The Committee agreed that the proposed extension was in keeping and proportionate to the neighbouring terraced properties.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Graham Eyre	X		
3	Angela Gunning	X		
4	Chris Barrass	X		
5	Chris Blow	X		
6	Ruth Brothwell	X		
7	Paul Spooner			X
8	Jon Askew	X		
9	Maddy Redpath	X		
10	Ramsey Nagaty			X
11	Angela Goodwin	X		
12	Tim Anderson	X		
13	Pauline Searle	X		
	TOTALS	11	0	2

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00812 subject to the conditions and reasons as detailed in the report.

PL11 PLANNING APPEAL DECISIONS

The Planning Committee had no comments in relation to the appeals and noted them.

The meeting finished at 9.09 pm

Signed

Chairman

Date