

PLANNING COMMITTEE

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

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

*Present

Councillors Tony Rooth, Deborah Seabrook and Diana Jones, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Colin Cross, Chris Blow, Liz Hogger, Marsha Moseley and Paul Spooner. Councillor Bob McShee attended as a substitute for Councillor Colin Cross.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

PL3 MINUTES

The minutes of the Planning Committee held on 7 September 2022 were approved and signed by the Chairman.

PL4 ANNOUNCEMENTS

The Committee noted the procedure for determining planning applications.

PL5 21/P/02588 - KINGS COURT, BURROWS LANE, GOMSHALL, SHERE

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Ms Jane Dent (to object);
- Mr Luke Margetts (Applicant) and
- Mr Andrew Badosz (Consultant D&M Planning) (In Support)

The Committee considered the above-mentioned full application for variation of condition 5 re application 06/P/00548: The use hereby permitted shall not operate other than between the hours of 7:30am-8pm Mondays to Fridays (inclusive) and 8am-5pm Saturdays, and 9am – 5pm on Sundays and Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-5:30pm Mondays to Fridays and 8am-5pm Saturdays and 9am-5pm on Sundays and Bank or National Holidays.

The Committee received a presentation from the planning officer, Kieran Cuthbert. The application was for a variation to condition 5 hours of use in relation to application 06/P/00548. The current proposal sought extension to the approved working hours across the whole site, seven days a week, including bank holidays and national holidays. The application site was located on the western side of Burrow's Lane to the south of Gomshall. The site was within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the surrounding area was predominantly rural in character. Residential dwellings neighboured the site to all sides and the opposite side of Burrow's Lane. The site was originally granted planning permission for the redevelopment of the site for light industrial use. In 2005, planning permission was varied in 2006 to allow the buildings to be used for B1 use. King's Court was now comprised of four separate buildings separated in self contained office light industrial units, Use Class E. The site had a complex planning history with various applications for non-material amendments and variation of condition applications. This application sought to vary the original hours of use as per condition 5, planning permission was then sought to relax the hours of use under application 19/P/0128 which was allowed at appeal. The application now seeks planning permission to vary condition 5 under the original application, to increase the hours of work Monday – Saturday and add Sunday and Bank Holiday hours. The applicant had stated that the current restrictions on the hours of use limited the viability of the site with some units remaining vacant. Officers were satisfied with the increase in hours proposed which only represented a one hour increase on a weekday and half an hour on Saturday's but with no allowance on Sundays or Bank Holidays.

The Chairman permitted Councillor Diana Jones to speak in her capacity as ward councillor for three minutes. The Committee noted concerns raised regarding the welfare of residents living as neighbours of King's Yard. The neighbours felt under constant pressure and could never relax because of the uncertainty caused to their domestic lives by the endless stream of planning applications. This was perceived as an infringement of the right to the peaceful enjoyment of their property (Protocol One of Article One of the Human Rights Act). The Committee noted that the site was only half-occupied by area; the submitted plans were inaccurate in showing Meadowside inside of the red line on page 33 which was inconsistent with the title deeds and omits Meadowside's right of access on the Burrows Farm side and the fact that there is no evidence of any demand for another cycle shop in the area. I doubt if extra competition would be welcome so there was no benefit locally from an increase in hours of operation at the site to cater for the cycle trade. The ward councillor did not believe that the NPPF criteria, that such developments in the AONB should be justified by "exceptional" circumstances. The Committee should refuse the application not only for the Sunday working hours but also the extended hours on other days.

The Interim Head of Place, Dan Ledger responded to comments made so far by public speakers and the ward councillor. The committee should be mindful that it was dealing with the application before it and not with regard to future potential changes to hours. The planning officer, Kieran Cuthbert also stated that with regard to comments made about the vacancy issues, the increase of hours should allow for those currently vacant units to be occupied. The marketing plan that has been provided showed that the hours were not the key issue and other factors such as location and the hours would not amend this concern.

The Committee discussed the application and noted sympathy raised for the local residents and that the hours should stay as they were set by the original planning consent. The Committee noted that there was a difficult and fine balance between amenity value and commercial expediency. It was difficult to know how much traffic was caused by the activity onsite. The Committee empathised with the needs of running a business and noted that the hours recommended on a Saturday of 8am – 5pm was quite early.

The Committee received clarification regarding the hours recommended. The change of hours to weekdays was deemed acceptable by planning officers however the hours proposed on Sundays and Bank Holidays were not supported.

The Committee noted comments that at appeal the hours were originally set, and the reason given was to safeguard the residential amenities of neighbouring properties in accordance with Policy G1(3) of the Guildford Borough Local Plan. A retail outlet for a bicycle shop was very different from an office retail unit which would create more bicycle traffic down a narrow lane on a Sunday.

The Interim Head of Place, Dan Ledger stressed that it was really important to know what the Inspector allowed in terms of the hours, what was being sought at that time and what was put forward by the appellant at that time. What it did not do was go further and say anything else which was therefore by default unacceptable. An important distinction to make was that the Inspector considered in the decision letter for that appeal that those hours were acceptable. What the Committee had to consider was whether any particular changes to those hours caused harm, what that harm was and whether it was defensible. The Committee simply could not say that they would prefer to stay with the Inspector's hours as the Council had to be fair to all parties and the Committee had to demonstrate the harm that would come from it.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ramsey Nagaty		X	
2	Jon Askew	X		
3	Pauline Searle		X	
4	Chris Barrass		X	
5	Angela Goodwin	X		
6	Angela Gunning	X		
7	Ruth Brothwell		X	
8	Maddy Redpath	X		
9	Fiona White	X		
10	David Bilbe	X		
11	Bob McShee		X	
	TOTALS	6	5	0

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

RESOLVED to approve application 21/P/02588 subject to the conditions and reasons as detailed in the report.

PL6 21/P/01997 - LAUREL BANK COTTAGE, SEALE LANE, SEALE, FARNHAM, GU10 1LD

The Committee considered the above-mentioned full application for demolition of existing garage, proposed relocation of the front door with porch, side extension and raising of roof to provide pitch roof all round.

The Committee received a joint presentation for this application and 22/P/00203 from the planning officer, Ben Mitchell. The Committee noted that the application was for the demolition of an existing garage with the relocation of the porch, single side extension and alterations to the roof. There was also a retrospective application, 22/P/00203 for the retention of a front rear side boundary wall and gates. Both application were recommended for approval. The site was located along Seale Lane and was within the Green Belt, outside of an identified settlement boundary. The site was also with the Surrey Hills Area of Outstanding Natural Beauty (AONB) and AGLV.

With regard to application 21/P/01997 for alterations to the bungalow, the side extension extended for 0.1 metres on the side elevation of the dwelling and included the formation of a hipped roof with a new porch. The scale and design of the proposed development would be a fairly typical bungalow development. The surrounding area was characterised by varying dwelling types with a mixed character of both bungalows and two storey dwellings utilising a variety of materials. The site was bounded by tall mature vegetation. The single storey dwelling was adjacent to two storey dwellings which would be taller in overall height than the proposed bungalow.

In relation to application 22/P/00203, which was for the retention of the boundary wall. The boundary wall extended along the front western side and part of the rear of the site. The majority of the wall was between 1.82 metres in height with piers which extend to 2.1 metres in height. The entire wall used a light wash brick material. The County Highway Authority had not raised any concerns. Planting had been proposed adjacent to the front wall and would be secured by condition. The majority of the wall within the application did not appear to be significantly taller than the previous fencing and would rise to a maximum of 4.8 metres and was a retaining wall that accounted for the subsidence of the adjacent bank. The design and scale of the wall was not considered to be out of keeping with the plot and residential dwelling.

The Chairman permitted Councillor Tony Rooth to speak in his capacity as Ward Councillor for three minutes. The property was within the Green Belt and AONB and under Policy P2 of the Local Plan inappropriate development was not permitted in the Green Belt unless very special circumstances could be demonstrated. The building already represented a 119% uplift on the original building and would become even more inappropriate if extended to 161% uplift. As proposed in this application, the officer report clearly stated that the proposed development with the previous additions would result in inappropriate development in the Green Belt which was unacceptable in principle and harmful by definition to the Green Belt. The applicant had put forward no very special circumstances, however, the officer finds that although the application would not normally be considered acceptable, the removal of permitted development rights would represent a very special circumstance which would clearly outweigh the harm by reason of inappropriateness to the Green Belt. The Committee noted comments that it should question whether the removal of permitted development rights constituted very special circumstances in this case. In addition to Local Plan Policy P2, there was saved Local Plan Policy 2003 which specified that a presumption against extensions to dwellings resulted in disproportionate additions. Taking into account the size of the original development, the 2003 Policy applied because it resulted in disproportionate additions on the size of the original development.

The Interim Head of Place, Dan Ledger clarified in response to comments made by the ward Councillor that policy H9 from the 2003 plan was superseded by policy P2 of the 2019 local plan, so it was not a policy that could be relied upon for decision making. Whilst the officer report did acknowledge that the proposal represented inappropriate development it was for the Committee to consider whether it was outweighed by the reasons put forward. Caution was also stressed against phrases such as even more inappropriate development. The test in the NPPF was whether it was inappropriate or not.

The Committee discussed the application and noted that the officer's technical knowledge would need to be relied on with respect to whether very special circumstances were weighed against the removal of permitted development rights. Discomfort was also expressed at citing percentage increases and that when looking at the property in its setting and the circumstances and nature of that development it looked like a relatively straight forward modest extension.

The Committee was also concerned that it was being asked to approve an application when the officer had stated in the report that the proposal was unacceptable in principle and harmful by definition to the Green Belt. The scheme was also justified by planning officers in stating in their report that the development could occur under classes A, AA, B and D under permitted development rights. Owing to concerns over what could happen in the future onsite, it put the Committee in a difficult situation. In terms of volume, the roof was considerably higher than the current situation and left room for something to be built in the future.

Was the Committee being asked to vote on this as an alternative of what might happen in the future? The Committee requested legal clarification on this point. The Legal Advisor, James Tong confirmed that the application recommended for approval could be approved under permitted development without the need for applying for full planning permission. The issue was whether the officer's recommendation to remove permitted development rights, amounting to very special circumstances would alleviate the issues concerned with the Green Belt. The issue for members was whether or not those special circumstances, with the removal of permitted development rights was sufficient to consider the application.

The Committee requested clarification that it was being asked to vote on this application as it stood and not on something that might happen in the future.

The Legal Advisor, James Tong confirmed that was correct, with the removal of permitted development rights.

The Interim Head of Place, Dan Ledger further clarified that members should refer to page 31 of the agenda. With these types of applications there was often a preceding application which may set out a certificate of lawful development which was not the case here. Planning officers had however gone into the history of the site which did set out that given the large sections of rear and side elevations that still existed, there was considerable potential for the dwelling to be extended beyond its current envelope. In addition to the recent changes to permitted development regulations which allow extensions to come forward along with other changes to the scheme, officers felt that given the containment that would result from the extension, keeping it within a modest rectangular form, whilst there was an increase in roof height to a hipped roof, appropriate for the size of the building that was preferable to other changes

which could occur. Comments were also made with regard to what could happen within the roofspace. That was very different when considering what may or may not happen in the future and what may then need to be applied for should this be built out. If further additions on the resulting roof form were required a further grant of planning permission would need to be sought.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Pauline Searle	X		
2	Ramsey Nagaty			X
3	Ruth Brothwell		X	
4	Bob McShee			X
5	Angela Gunning	X		
6	Fiona White	X		
7	Chris Barrass			X
8	Maddy Redpath	X		
9	Jon Askew	X		
10	Angela Goodwin	X		
11	David Bilbe	X		
	TOTALS	7	1	3

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

RESOLVED to approve application 21/P/01997 subject to the reasons and conditions as detailed in the report.

PL7 22/P/00203 - LAUREL BANK COTTAGE, SEALE LANE, SEALE, FARNHAM, GU10 1LD

The Committee considered the above-mentioned full application for retention of front boundary wall and gates after alterations, and retention of wall to the rear and west boundaries (retrospective application).

The Committee had already received a joint presentation from the planning officer, as part of 21/P/01997.

The Chairman permitted Councillor Tony Rooth to speak for three minutes in his capacity as ward councillor. The Committee noted concerns raised that the application should be refused given the property was located within the Green Belt. Seale Lane was a rural area with open fields opposite and houses with open front hedges, posts, rails and wooden fences. The Local Plan Policy P2 stated that inappropriate development was not permitted in the Green Belt unless very special circumstances could be demonstrated. The proposal constituted development which was inappropriate. This was due to the substantial brick front wall and gateway pillars which were 1.8 metres reaching to 4.8 metres high to the side and rear and consisted of yellow brick work. It would be the only property with a brick wall in front of it out of a total of 62 properties along Seale Lane. The applicant had not put forward any very special circumstances and therefore failed to satisfy the requirements of the Local Plan. Local Plan Policy P2 required all new development to be designed to reflect the distinct local character of the area.

The Committee discussed the application and noted the dislike for retrospective applications. The proposal appeared garish and out of character compared to what was there previously and was not in keeping. The Chairperson reminded the Committee that despite it being a retrospective application they had to consider what was before them. The Committee queried whether the retaining wall, as it was stated on p54 of the report, was an engineering operation to deal with the subsidence of the bank. Did it need to be so tall and why was it required at the rear, down the side and around the front of the property.

The Interim Head of Place, Dan Ledger confirmed that issues in relation to subsidence and retaining walls were engineering queries which planning officers did not have the expertise in. However, owing to the land level changes at the rear it was performing a function as a retaining wall which could be constructed up to 2 metres in height. Civil issues were not part of the planning process and the Committee had to consider the planning merits of the case.

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	Fiona White	X		
3	Angela Gunning		X	
4	Bob McShee		X	
5	Chris Barrass			X
6	David Bilbe		X	
7	Maddy Redpath		X	
8	Ruth Brothwell		X	
9	Angela Goodwin	X		
10	Pauline Searle			X
11	Ramsey Nagaty		X	
	TOTALS	2	6	3

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ramsey Nagaty	X		
2	Angela Gunning	X		
3	Angela Goodwin		X	
4	Pauline Searle			X
5	Fiona White		X	
6	Jon Askew			X
7	Chris Barrass	X		
8	David Bilbe	X		
9	Maddy Redpath	X		
10	Bob McShee	X		
11	Ruth Brothwell	X		
	TOTALS	7	2	2

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

RESOLVED to refuse application 22/P/00203 for the following reasons:

1. The boundary walls, by virtue of their material, colour and height present a garish and stark visual intrusion which is out of keeping with the rural character of the locality. The development therefore fails to comply with policy D1 of the Adopted Guildford Borough Local Plan 2019.

Informatives:

1. This decision relates expressly to drawings 21/0036 REV B received on 20/07/2022.

PL8 22/P/00423 - 1 PARKLANDS PLACE, GUILDFORD, GU1 2PS

The Committee considered the above-mentioned full application for erection of a single storey side extension, small bay window extension to side along with changes to fenestration and new rendered finish to external walls, following demolition of existing side conservatory.

The Committee received a presentation from the planning officer, Kieran Cuthbert. The Committee noted that the proposal was for a small bay window extension as well as demolition of an existing conservatory as replacement of a side extension. The site was located on a corner plot and as such the front elevation was located on 1 Parklands Place. A modest bay window with a hipped roof was proposed as opposed to the existing flat roofed bay window. The existing conservatory was 3.3 metres in height whereas the proposed was 1 metre higher with a height of 4.3 metres. The depth of the existing conservatory was 3.75 metres and the proposed was 6 metres. The windows on the front elevation of the proposal would face the road and were not considered an overlooking concern. There were no proposed windows facing the neighbouring flats on the rear side either. The existing 2.1-metre-high fence should hide the majority of the works from the streetscene. Given the existing overshadowing from the orientation of the flats and houses, the officers did not believe that the proposed extensions would cause any additional concerns to the site. There were some basement windows at neighbouring sites, however these were as existing and were already impacted by the fence and conservatory. The proposed extension would not provide any great overshadowing of those windows and the scheme was therefore recommended for approval.

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

The Committee noted comments made that the scheme breached the Local Plan, the NPPF and Supplementary Planning Document. Saved policy H8 from Local Plan 2003 stated that 'Planning permission to extend dwellings in the urban areas will be granted provided the development, has no adverse effect on the scale and character of the dwelling and has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight. This was fleshed out in the Residential Extensions and Alterations SPD 2018, which stated in 2.3 'the extension should normally, respect the scale and mass of the dwelling and be set back from the original front elevation. In section 3.1 of the SPD it stated extensions should be well balanced and that they should not exceed more than half the width of the original house. The officer's report noted the footprint of the extension would exceed half the width of the property which was 75% (or $\frac{3}{4}$) of the width of the existing house. That large increase did not respect the proportions of the original and the result was that the property appeared lop-sided and not well balanced which can be seen in the proposed elevation drawings. Furthermore, the extension was not set back from the original front elevation, as recommended in 2.3 of the SPD. The Committee noted that the late amendments to the plans had addressed one of the ward councillor's concerns, that of a large blank brick wall on the front

elevation. Nevertheless, there was still a substantial blank section between the cloakroom window and the additional window in the kitchen/dining area. This was on a wall that faced the street, albeit partly behind a fence. From the proposed street elevation it looked somewhat strange. This was contrary to section 3.1 of the SPD which states: Extensions that face highways should have active frontages i.e. should not be blank walls. They should include windows or other detailing to help improve the appearance of a blank wall. Turning to the rear elevation, which was very close to 145 Epsom Road, it appeared the eaves height exceeded the height of the fence. The solid nature of the wall (in comparison to the current conservatory) on that west side meant that light to basement flat 7 would be reduced. It therefore affected neighbouring amenity which was protected by the SPD para 2.2 and the saved policy H8 in Local Plan 2003. In conclusion, NPPF chapter 12, para 134, says that development that is not well designed should be refused, especially where it failed to reflect local design policies.

The Committee discussed the application and noted concerns regarding the officer's recommending approval for an application which went against the Council's SPD. Concerns were also raised regarding the size of the extension representing a 75% increase of the width of the existing house. There was also an anticipated loss of light impact of the extension upon the existing flats given the conservatory was going to be replaced by a solid building.

The Interim Head of Place, Dan Ledger confirmed that the SPD was a guidance document and provided a good set of principles to follow but was not a policy. It was therefore not the case that if one of the principles was contravened an automatic refusal would be recommended by planning officers. The amount of harm caused by the proposal had to be considered and carefully balanced. In terms of the property in question, its layout and location, although it was referred to as a side extension, given its corner location, it was not the set out you would normally expect in a side extension, extending between the gap of two houses on a street frontage and wrapping around the corner. It presented in a very different way when observed in the vicinity of the urban area with a lot of big development around it. The Committee was cautioned against saying that the proposal was too big and therefore unacceptable. Within urban areas there was no policy that said beyond a certain percentage increase development was unacceptable. Permitted development allowances in domestic dwellings allowed up to eight metre extensions at the rear. Whilst this was a side extension because of its layout on the corner, it appeared that the rear extension would not be uncommon for that level of single storey extension to be constructed. The impact upon neighbouring amenity was concluded to be acceptable in planning terms.

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	Angela Goodwin	X		
3	Maddy Redpath	X		
4	Pauline Searle	X		
5	Chris Barrass			X
6	Ramsey Nagaty		X	
7	David Bilbe	X		
8	Angela Gunning	X		
9	Jon Askew	X		
10	Bob McShee			X
11	Ruth Brothwell		X	
	TOTALS	7	2	2

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

RESOLVED to approve application 22/P/00423 subject to the conditions and reasons as detailed in the report.

PL9 PLANNING APPEAL DECISIONS

The Committee noted the appeal decisions.

The meeting finished at 8.50 pm

Signed

Chairman

Date