

## PLANNING COMMITTEE

- \* Councillor Vanessa King (Chairperson)
- \* Councillor Dominique Williams (Vice-Chairperson)

- |                               |                                |
|-------------------------------|--------------------------------|
| * Councillor Bilal Akhtar     | * Councillor Richard Mills OBE |
| Councillor Joss Bigmore       | * Councillor Patrick Oven      |
| * Councillor David Bilbe      | Councillor Maddy Redpath       |
| * Councillor Yves de Contades | * Councillor Joanne Shaw       |
| Councillor Lizzie Griffiths   | * The Deputy Mayor, Councillor |
| * Councillor Stephen Hives    | Howard Smith                   |
| Councillor James Jones        | * Councillor Cait Taylor       |

\*Present

Councillor Merel Rehorst Smith was also in attendance.

### **PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Joss Bigmore, Lizzie Griffiths, James Jones and Maddy Redpath. Councillors Catherine Young and Gillian Harwood attended as substitutes for Councillors Joss Bigmore and Lizzie Griffiths respectively. There were no substitutes in attendance for Councillors James Jones or Maddy Redpath.

### **PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

There were no disclosures of interest declared.

### **PL3 MINUTES**

The minutes of the Planning Committee held on 24 April 2024 were agreed and signed by the Chairperson as a true and accurate record.

### **PL4 ANNOUNCEMENTS**

The Committee noted the Chairperson's announcements.

**PL5 22/P/01306 - LAND AT THE FORMER HIGHLANDS NURSERIES,  
PORTSMOUTH ROAD, RIPLEY, GU23 6EY**

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

- Mr Callum Evans (to object);
- Mr Frederick Trodd (to object);
- Councillor Rowland Cornell (Ripley Parish Council) (in support) and;
- Mr Adam Constantinou (Agent) (in support)

The Committee considered the above-mentioned application for erection of 25 no. affordable dwellings, with vehicular and pedestrian access, public open space, car parking, tree works and landscaping. (As amended by plans received on 25.10.23 and 01.11.23).

The Committee received a presentation from the Senior Planning Officer, John Busher. The Committee noted the supplementary late sheets, specifically that Surrey County Council had withdrawn their requirement for primary and secondary years contributions. They were now only seeking a £26,000 contribution towards early years education. A few minor amendments had also been made to conditions with the addition of two informatives. Two late letters of objections were also sent directly to councillors, one of those objections included a number of photographs taken from the rear garden of one of the neighbouring properties, which had superimposed images of the proposed dwellings. Planning Officers wanted members to look at the images with a huge degree of caution as they did not accurately depict the dwellings as they are proposed. No information was available as to whether they had been accurately scaled or if the heights were acceptable for their positions.

The application site was located on the western side of Portsmouth Road to the south of Ripley village. The site is located within the Green Belt and was formerly a horticultural nursery and currently vacant and overgrown with trees and vegetation. Residential properties were located to the north, two detached properties to the south and a ribbon of development on the other side of Portsmouth Road. To the west was farmland known as Highlands Farm. The site was covered by an Area Tree Preservation Order (TPO) which was made in 2001 and covered all mature oak and ash trees.

The proposal sought permission for 25 affordable dwellings which were to be secured as affordable rent. In normal circumstances the construction of new buildings in the Green Belt was considered to be inappropriate development. However, the NPPF listed a number of exceptions, such as providing limited affordable housing for local community needs. Guildford also had its own policy on rural exception homes, policy H3, and officers felt that the proposal was an appropriate form of development in the Green Belt.

The existing access would be utilised and widened from Portsmouth Road. The dwellings proposed would observe the established building line fronting onto Portsmouth Road. The existing mature trees on the front boundary of the site would be retained and the dwellings well screened from views in the street scene. A total of 47 parking spaces would be provided onsite and 12 of those were proposed to be constructed in grass crete so to soften the appearance of the parking area. A footpath ran along the southern edge of the access road and provided access for pedestrians. Open space and a children's play space area was also proposed. An attenuation basin, which in certain weather conditions would be useable for play and recreation as well.

The houses proposed were comprised of red brick and the elevations had timber cladding so to break up the design and provide some interest and variation. The properties were a mix of semi-detached houses and apartments. It was the officers' view that the proposed dwellings fitted in well with the existing character, height and scale of the buildings currently on Portsmouth Road and were not overly cramped in any way.

Plots 6 to 8 had a separation distance with Broom House of between 13.7 and 14.5 metres. The proposed dwellings were set so far back there would not be any harmful impact or loss of amenity to the residents of Broom House or any of the other surrounding properties.

In summary, the site was located in the Green Belt and the proposed development would provide 25 affordable homes for affordable rent. As such, the application falls to be considered against the rural exception site policies at a local and national level. The proposal was considered to be an inappropriate form of development in the Green Belt. However, it would meet a large, identified need for affordable homes that currently exists in the borough. The proposal was well designed and was in keeping with the scale and context of surrounding existing properties. Each dwelling would be provided with significant private amenity space in the form of rear gardens and policy compliant communal amenity space and play space was also provided onsite. No

unacceptable harm had been identified to the residential amenities of surrounding properties and no objections had been raised by the statutory consultees. Therefore, subject to the conditions as set out in the agenda as well as amended through the late sheets, the application was recommended for approval.

The Committee discussed the application and noted concerns raised regarding the potential for flooding on the site. It was noted that approval would need to be sought from Thames Water so the site could discharge to a public sewer. However, it was unclear what would happen to any surface water. In addition, concern was expressed for the wildlife and conditions were required to ensure their protection.

The Committee also noted support for rural exception sites and that Ripley Parish Council did endorse this proposal. Concern was raised that given there was no draft S106 agreement, how would the affordable homes be secured in perpetuity. In terms of the proposal meeting the SHMA needs and the Lovelace Neighbourhood Plan, the proposal was for 40% affordable and the SHMA and Lovelace Neighbourhood Plan asked for 25% affordable homes which represented an imbalance. A lot more was also needed to be included in the conditions regarding the preservation of biodiversity. Lastly, the education for early years funding needed to invest in the immediate location of the development so to mitigate its effects, otherwise the monies go into a big pot that is otherwise unspent by Surrey County Council.

The Joint Assistant Director for Planning, Claire Upton-Brown clarified that Thames Water would not grant a discharge licence until there was planning permission in place. The Committee was also reminded of comments from Surrey Wildlife Trust who were recommending conditions attached to the planning permission should it be granted. These would address the issues around the impact upon species resulting from the proposal. Finally, it was confirmed that the recommendation, which was normal practice, was to delegate authority to enable a S106 to be completed. It was not normal practice to have a fully drafted S106 in advance of planning applications coming to committee. The S106 would however include securing this as affordable housing in perpetuity. The Committee was also advised against submitting a reason for refusal based on biodiversity net gain when this was not a mandatory requirement.

The Committee noted comments that the proposal for affordable homes was of great need to the community of Ripley overall and was supported by the Parish Council. The development was well designed in a cul-de-sac and the issues raised

so far could be adequately dealt with by condition. The Committee queried the deliverability of the scheme and was confirmed by planning officers that there was no evidence base in relation to this scheme regarding viability or lack of deliverability. The Committee also received confirmation that the early years funding would be directed locally via the S106.

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

RECORDED VOTE LIST				
		FOR	AGAINST	ABSTAIN
1	Vanessa King	X		
2	David Bilbé		X	
3	Joanne Shaw	X		
4	Yves de Contades	X		
5	Patrick Oven		X	
6	Dominique Williams	X		
7	Howard Smith	X		
8	Richard Mills	X		
9	Bilal Akhtar	X		
10	Cait Taylor	X		
11	Stephen Hives	X		
12	Gillian Harwood	X		
13	Catherine Young	X		
	<b>TOTALS</b>	<b>11</b>	<b>1</b>	<b>0</b>

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

RESOLVED to approve application 22/P/01306 subject to conditions, amended conditions as detailed in the supplementary late sheets and contributions secured through a Section 106 towards: education. Highways and Thames Basin Heath SPA mitigation.

(i) That delegated authority is granted to the Assistant Director of Planning Development to grant planning permission and make minor amendments to the wording of conditions subject to the applicant entering a Section 106 Agreement to secure:

- SANGs (Suitable Alternative Natural Green Space) contribution;
- education contributions;
- SAMM (Strategic Access Management and Monitoring) contribution;
- Free and unfettered access to the development to all;
- Highways contribution;
- Maintenance and management of the open space and play space;
- Tenure of the affordable units to be affordable rented in perpetuity and to be provided to those with a local link to Ripley Parish; and
- BNG monitoring in perpetuity.

(ii) If, after 12 months has elapsed since the resolution of the Planning Committee to grant planning permission, the s.106 agreement is not completed then the application may be refused on the basis that the necessary mitigations to offset the impact of the development cannot be secured.

**PL6      24/P/00308 - ORCHARD WALLS, BEECH AVENUE, EFFINGHAM**

The Committee considered the above-mentioned full application for erection of metal gates and railings at entrance into development. The application had been referred to the Planning Committee by the Executive Head of Planning and Development.

The Committee received a presentation from the Senior Planning Officer, Victoria Bates. The Committee noted the supplementary late sheets where an additional condition had been proposed to secure landscaping. The applicant had also submitted an additional drawing showing the proposed streetscene elevation. An appeal decision had been included for the Committee's information. Lastly, the parish council had submitted an additional letter which elaborated upon some of the points they had originally raised.

The application sought planning permission for the erection of metal gates and railings at the entrance into the development of Orchard Walls, Beech Avenue in Effingham. The application site was located on the north side of Beech Avenue, close to Effingham Village which was inset from the Green Belt. The site

consisted of the entrance to a cul de sac of eight dwellings which were currently being constructed pursuant to planning permission 23/P/00136.

The site was located outside of the Effingham Conservation Area. The development in the cul-de-sac was more suburban in character and quite different in terms of the pattern of development within the historic core of Effingham village. The site was formerly occupied by a single dwelling set within a large garden that was accessed off Beech Avenue which was fronting onto the Conservation Area. Whilst the dwellings themselves were visible from the Conservation Area, the new access and proposed gates were very much viewed in the context of the Beech Close street scene.

The development was still under construction and some landscaping had been planted out. Additional landscaping was proposed as part of this scheme adjacent to the gates. Beech hedging was a characteristic boundary treatment in this area and new beech hedging had been recently planted along Orchard Walls.

The proposal had been reviewed by the County Highway Authority who had advised that there would be no adverse impact upon highway safety. Objections had been raised by the Parish Council and third parties in relation to the proposals impact on the setting of the Effingham Conservation Area and on the surrounding area, particularly the boundary treatments along Beech Close.

The Committee was referred to an application which the Council had refused earlier this year. Planning officers considered it to be similar to the current proposal – 23/P/01779 and was in relation to entrance gates that were allowed at appeal. The Inspector concluded as part of that appeal that the development had a very private feel already due to the narrowness of the access and considered that it made a very limited contribution in terms of the opportunity for social interactions or promoting social cohesion. In allowing the appeal, the Inspector acknowledged that the creation of gated communities did not represent good design, however, given the circumstances of the site, the Inspector felt that the addition of the gates would not materially increase the perception that this was a private development. The Committee noted that there were some similarities and differences between the two sites and that each application must be considered according to its own merits.

In conclusion, whilst it was recognised that the proposal would introduce gates which were not already a feature of the Beech Avenue street scene, on balance it was considered that in their own right they would not have an unacceptable detrimental impact on the character of Beech Close or on the setting of the

Effingham Conservation Area. The application was therefore recommended for approval subject to the conditions and reasons as set out in the agenda.

The Chairperson permitted Councillor Merel Rehorst-Smith to speak in her capacity as Ward Councillor for three minutes. The Committee noted concerns raised that reference to different applications that involved gated developments was inappropriate and not related to this specific example. The Committee noted that Effingham was a rural village that valued the interaction of people in the community, especially close neighbours and was also an area of low crime. The gates proposed would prevent the friendly interaction and create barriers. The Committee was asked to consider refusing the application owing to its social divisiveness. Paragraph 96 of the NPPF set out that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meeting people who might not otherwise meet. The National Design Guide 2021 expanded on this, emphasising that good design promoted social inclusion. Beech Close had always been a welcoming tight-knit community and a physical barrier between the new houses and Beech Close would create a gated enclave and would not be in accordance with paragraph 96 of the National Design Guide. It would also impact upon the setting of the Conservation Area. The metal railings were also contrary to the Effingham Neighbourhood Plan as they were not in keeping with the traditional boundary treatment.

The Committee discussed the application and queried why the Joint Assistant Director for Planning had called this to the Planning Committee to be considered. It was confirmed that this had happened owing to the significant interest caused by the application in the local community and therefore the Assistant Director for Planning had used her delegated powers to enable the views of the community to be shared with the Committee.

The Committee received clarification that if a resident were arriving in their car, they would have a fob which activated the gates on approach. If you were part of the emergency services, postal worker or a visitor there would be a delay, but the gates would open. There was a functional relationship between residents and how they would interact with the outside and visitors coming in. Whilst it presented a physical barrier, it would not prevent people from entering or exiting the site.

The Committee agreed that the gates were not needed from a security point of view given the low levels of crime in the area. The gates sent a message of social



exclusion which was not in character with the village and unacceptable in the street scene. The Committee did not support the proposal.

The Committee voted by a show of hands 12:1 abstension for each reason for refusal (as detailed below).

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

RECORDED VOTE LIST				
		FOR	AGAINST	ABSTAIN
1	Joanne Shaw	X		
2	David Bilbé	X		
3	Richard Mills	X		
5	Stephen Hives	X		
6	Patrick Oven	X		
7	Dominique Williams	X		
8	Cait Taylor	X		
9	Gillian Harwood	X		
10	Howard Smith		X	
11	Vanessa King	X		
12	Yves de Contades	X		
13	Catherine Young	X		
14	Bilal Akhtar	X		
	<b>TOTALS</b>	<b>12</b>	<b>1</b>	<b>0</b>

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

RESOLVED to refuse application 24/P/00308 for the following reasons:

1. The proposed gates would result in an unacceptable feature in the street scene, introducing a physical barrier that would segregate the Orchard Walls development from the surrounding community, contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, Policy D4 of the Guildford Borough Local Plan: Development Management Policies 2023 and Policy ENP-G2 of the Effingham Neighbourhood Plan 2016 – 2030 and the objectives of paragraph 96 of the National Planning Policy Framework (December 2023) and the National Design Guide (2021).
2. The proposed gates would detract from the character of the adjoining conservation area, contrary to Policy D20 of the Guildford Borough Local

Plan: Development Management Policies 2023 and Policy ENP-G2 of the Effingham Neighbourhood Plan 2016 – 2030.

Informatives:

1. This decision relates expressly to drawing(s) AAL-24-113-P01 Rev B received on 9 May 2024 and AAL-24-113-P02 received on 21 May 2024.

2. 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 in certain circumstances
- 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. In this case officers worked with the applicant to secure the submission of additional information to support the application, however, the Local Planning Authority considers that the harm social cohesion and the setting of the adjoining conservation area warrants refusal of planning permission and the application has been determined on the basis of the amended application.

**PL7 PLANNING APPEAL DECISIONS**

The Committee discussed and noted the appeal decisions.

The meeting finished at 8.55 pm

Signed .....

Date .....

Chairman