

PLANNING COMMITTEE

Councillor Fiona White (Chairman)

* Councillor Colin Cross (Vice-Chairman) (Acting as Chairman)

* Councillor Jon Askew
Councillor Christopher Barrass
* Councillor David Bilbé
* Councillor Chris Blow
* Councillor Ruth Brothwell
* Councillor Angela Gunning
* Councillor Jan Harwood

* Councillor Liz Hogger
* Councillor Marsha Moseley
* Councillor Susan Parker
Councillor Maddy Redpath
* Councillor Caroline Reeves
* Councillor Paul Spooner

*Present

Councillors Richard Billington, Dennis Booth, Nigel Manning, Deborah Seabrook and Catherine Young were also in attendance.

PL87 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Chris Barrass, Maddy Redpath and Fiona White. Councillors Tony Rooth and Bob McShee were in attendance as substitutes for Councillors Chris Barrass and Maddy Redpath.

In addition, the Vice-Chairman chaired the meeting owing to the Chairman, Councillor White being unable to attend on this occasion.

PL88 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interest were declared.

PL89 MINUTES

The minutes of the Planning Committee held on 3 February 2021 were approved and signed by the Chairman as a true record.

PL90 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL91 20/P/01755 - MERROW CENTRE FOR REMEDIAL EDUCATION, 41 DOWN ROAD, GUILDFORD, GU1 2PZ

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

- Mr John Pitkin (to object) and;
- Mr Keith Meldrum (Marrow Resident's Association) (to object);

The Committee considered the above-mentioned full application for variation of condition 2 (approved drawing numbers) of planning application 16/P/02402 approved 15/11/2017 so that new drawings 167(P)_001_rev1, 167(P)_003_rev1 & 167(P)_004_rev0 may be substituted to reflect the as built parking layout.

The Committee noted that an amended site layout plan had been included, as part of the supplementary late sheets, to demonstrate the 'as built' layout and correct discrepancies on the originally submitted drawing. A new condition had also been proposed to ensure the provision of a cycle store, the details of which must be submitted to the LPA for approval prior to installation.

The site was located in the urban area within the 400m to 5km buffer zone of the TBHSPA. The building onsite was a former school building locally listed, however permission had recently been granted for the conversion of the building into three flats and the erection of a new detached dwelling to the northern side of the site. The development had now been built out with the surrounding area being predominantly residential in nature. Owing to the creation of a larger bin store than originally proposed, the number of parking spaces had been reduced from 7 to 6. Whilst the parking provision fell short of the Council's adopted parking standards, no off-street parking was associated with the previous use of the site, when it was a school. The site was also in a sustainable location with good public transport links. The County Highway Authority had also assessed the proposal and raised no objection to it.

It was the planning officer's view that the parking provision proposed represented an improvement upon the number of spaces provided in association with its previous use, the relatively sustainable location and the fact that one space would still be provided for each of the two bedroom units and two spaces for each of the three bedroom units it was considered that the parking layout was acceptable in this instance and the application was recommended for approval.

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

The Committee discussed the application and agreed that they were not supportive of the proposed reduction in parking spaces. The parking requirements for a school was quite different from that of a residential setting. The application was also retrospective, and the Committee would not have agreed 6 parking spaces originally given it did not meet the Council's parking standards. The reduction of one parking space would also place undue pressure upon on-street parking arrangements where parking was already difficult for local residents.

A motion was moved but not seconded to approve the application. That motion therefore failed.

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

| | RECORDED VOTES LIST | | | |
|-----|---------------------|-----------|---------|----------|
| | Councillor | FOR | AGAINST | ABSTAIN |
| 1. | Bob McShee | X | | |
| 2. | Paul Spooner | X | | |
| 3. | Jan Harwood | X | | |
| 4. | Chris Blow | X | | |
| 5. | Marsha Moseley | | | X |
| 6. | Tony Rooth | | | X |
| 7. | Susan Parker | X | | |
| 8. | Jon Askew | X | | |
| 9. | Ruth Brothwell | X | | |
| 10. | Colin Cross | | | X |
| 11. | David Bilbe | X | | |
| 12. | Angela Gunning | X | | |
| 13. | Liz Hogger | X | | |
| 14. | Caroline Reeves | X | | |
| | TOTAL | 11 | | 3 |

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

RESOLVED to refuse application 20/P/01755 for the following reasons:

1. The proposed parking provision of 6 parking spaces would be insufficient and would fail to meet the Council's current parking standards, which require 1.5 spaces per two bed unit and 2 spaces per three bed unit that translates as 7 parking spaces for the scheme. This under-provision would lead to a pressure for on-street parking, in an area where parking is limited, and would add to the cumulative impact of on-street parking resulting in a poor quality of residential development. The proposal is therefore unacceptable, as it fails to meet the Council's parking standards set out in the Council's Vehicle Parking Standards SPD 2006 and is contrary to policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and the requirements of the National Planning Policy Framework (NPPF).

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.

In this case pre-application advice was not sought prior to submission, however, the Council considered that the application was unacceptable as submitted.

PL92 20/P/01830 - RED BALLOON OCKHAM LTD, POUND FARM, OLD LANE, COBHAM, KT11 1NH

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

- Ms Kathleen Paulson (to object);
- Mr Malcolm Aish (Chairman of Ockham Parish Council) (to object) and;
- Ms Abby Auty (In Support)

The Committee considered the above-mentioned full application for variation of condition 3 of planning permission 11/P/01496, approved on 28/09/2011, to allow 81 pupils and 21 staff per day (instead of the approved number of users – 54 pupils and 16 staff).

The Committee noted the supplementary late sheets which highlighted a typo in the committee report incorrectly stating that the existing number of pupils was 50, the correct number was 54. The application site was located in the Green Belt and was comprised of a day nursery which was originally used as stables arranged around a stable yard at Pound Farm, accessed off Old Lane. The farmhouse and timber barn were listed buildings within Pound Farm.

The Committee noted that the use of the site as a nursery was well established. The primary reason for the original condition, now proposed to be varied, was to ensure that the intensity of the use did not increase vehicle movements to and from the site to an unsustainable level. The number of restrictions on the original application was simply put on as a condition because they were the numbers given by the applicant at the time. The County Highway Authority had raised no objection to the proposed variation to condition 3. The increase in the number of pupils from 54 to 81 would result in 27 additional trips to the site, 17 of which would be travelling from within the local area and 10 trips predicted from outside the local area. The County Highway Authority considered that the proposed development would not result in any severe impacts on road network. Adequate parking was provided onsite for visitors and staff and on that basis the application was recommended for approval.

The Committee received advice from its Planning Lawyer who wished to comment on an allegation made by one of the public speakers that the application was outside of the Council's legal powers. The Committee noted that the Council was fully within its legal powers to consider the application, as it fell within Section 73 of the Town and Country Planning Act which case law supported, such as *Finney v Welsh Ministers* 2019. In addition, there was also an allegation that by granting this application the Council would be in breach of its duty of care. Case law stated that when granting or considering planning applications, local authorities did not have a duty of care due to planning policy reasons (Cases cited were *Strable c Dartford Borough Council* and case involving *Sevenoaks Borough Council* 1978).

The Committee discussed the application and agreed that the nursery was a much needed and essential community asset, valued by many residents. The Committee was satisfied that the County Highway Authority had considered the increase in vehicle movements to and from the site as acceptable which would not result in any severe impact on the road network. The Committee queried who owned the land on which the visitors and staff parked associated with the nursery. The planning officer confirmed that part of the site was under separate ownership but was not a planning issue and was clearly used for the purposes of parking at the nursery. In addition, no objection had been raised by Environmental Health in relation to any concerns about additional noise generated by the site.

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

| | RECORDED VOTES LIST | | | |
|-----|---------------------|-----------|---------|----------|
| | Councillor | FOR | AGAINST | ABSTAIN |
| 1. | Ruth Brothwell | X | | |
| 2. | Susan Parker | X | | |
| 3. | Jan Harwood | X | | |
| 4. | Caroline Reeves | X | | |
| 5. | Angela Gunning | X | | |
| 6. | Tony Rooth | X | | |
| 7. | Chris Blow | X | | |
| 8. | Bob McShee | X | | |
| 9. | Paul Spooner | X | | |
| 10. | David Bilbe | X | | |
| 11. | Jon Askew | X | | |
| 12. | Liz Hogger | X | | |
| 13. | Marsha Moseley | X | | |
| 14. | Colin Cross | | | X |
| | TOTAL | 13 | | 1 |

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

RESOLVED to approve application 20/P/01830 subject to the conditions and reasons as detailed in the report.

PL93 20/P/01340 - 5 PARK CHASE, GUILDFORD, GU1 1ES

The Committee considered the above-mentioned full application for erection of a dwelling house with detached garage following demolition of existing dwelling house and detached garage.

The Chairman permitted Councillor Dennis Booth to speak in his capacity as ward councillor for three minutes.

The Committee noted that the application site was located in an urban area of Guildford, positioned at the end of Park Chase which was a private cul-de-sac close to the town centre. The area was characterised by large two-storey houses of differing styles and designs. The site itself was the largest in the road which was currently occupied by a two-storey house with a garage attached to the side. The scale of the proposed development was large however, the development retained adequate spacing to the boundaries and would improve the spacing and relationship between the application site and the neighbour at 6 Park Chase, that was currently undergoing extensions, including a large first floor addition, reducing the visual separation between the two dwellings. New planting was proposed to the northern boundary so to enhance the screening.

The Committee noted that comments had been received regarding the significance of the existing property, given that it was an example of an Arts and Crafts property and that it should be locally listed. The Council's Conservation Officer had reviewed the existing building against the requirements for local heritage listing, as set out in the historic England advice, and considered that the building was unlikely to have a level of historic significance which would merit the Council locally listing the building.

The proposed northern side elevation had been reduced significantly in terms of its depth and bulk since the 2019 refusal. The built form of the existing plot only took up 7% of the plot whereas the neighbouring plots were far more developed. Therefore, considering the surrounding development, this proposal would represent an acceptable form of development in terms of scale, design, and impact on the character of the area. The application site was located in the Guildford urban area and given that there were no other constraints on this site, the proposal would not have a detrimental impact on neighbouring amenity. It provided sufficient parking, additional landscaping, sustainability species protection and biodiversity measures as secured by condition and the application was therefore recommended for approval.

The Committee discussed the application and noted the concerns raised regarding the loss of a potential Arts and Crafts house with an unsympathetic bulky replacement with expansive roofscape that would not respect the character of the surrounding area. The planning officer reiterated the fact that the building was not listed or locally listed which had also been reviewed by the Council's Conservation Officer whose view was that the dwelling merited no specific designation.

The Committee agreed that since the house did not meet the criteria for it to be considered as locally listed an argument could not therefore be sustained on heritage grounds. The Committee also noted that neighbouring houses were significantly large and bulky and therefore set a precedent. The replacement dwelling would be set back with an appealing frontage that would not affect the character of the road.

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

| | RECORDED VOTES LIST | | | |
|-----|---------------------|----------|----------|----------|
| | Councillor | FOR | AGAINST | ABSTAIN |
| 1. | Colin Cross | | | X |
| 2. | Liz Hogger | X | | |
| 3. | Jon Askew | X | | |
| 4. | David Bilbe | X | | |
| 5. | Ruth Brothwell | | X | |
| 6. | Caroline Reeves | X | | |
| 7. | Bob McShee | | X | |
| 8. | Susan Parker | | X | |
| 9. | Jan Harwood | X | | |
| 10. | Tony Rooth | X | | |
| 11. | Chris Blow | | X | |
| 12. | Paul Spooner | X | | |
| 13. | Marsha Moseley | X | | |
| 14. | Angela Gunning | X | | |
| | TOTAL | 9 | 4 | 1 |

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

RESOLVED to approve application 20/P/01340 subject to the conditions and reasons as detailed in the report.

PL94 20/P/02126 - 21 OXENDEN ROAD, TONGHAM, FARNHAM, GU10 1AR

The Committee considered the above-mentioned full application for proposed rear granny annexe, following demolition of existing sheds and felling one tree.

The Committee was informed that the application site was located in the urban area of Guildford, positioned on a corner plot of Oxenden Road. A narrow unnamed lane ran alongside the rear of the plot which provided car access to the rear of properties. The properties on this road were largely comprised of bungalows of a similar size and design. The site itself was one of the largest plots in the immediate area comprised of a detached bungalow with parking to the rear. The proposed granny annexe would be located in the north-east corner of the rear garden. The footprint of the building would be large however it would remain smaller than the host dwelling. Additionally, due to the relatively large size of the plot the proposal would not result in overdevelopment and would have a limited impact on the character and appearance of the surrounding area given that it would be located to the rear of the site where it would not be seen from the main road and well screened by vegetation. The proposal would be visible to users of the rear access lane, but the lane was not significant in the public streetscene. There was also adequate separation distance and screening on the boundaries to ensure that the development would not cause unacceptable impact on neighbouring amenity.

It was the planning officers view that the principle of erecting an ancillary domestic outbuilding in the urban area was acceptable given the proposal would have no material impact on the character of the site, Oxenden Road or the wider surrounding area or neighbouring amenities.

The Committee considered concerns raised as to whether it was a granny annexe given its considerable separation distance from the main dwelling and could not therefore be perceived as ancillary accommodation. Ancillary accommodation had to retain some form of connection with the main dwelling which this proposal failed to do. The planning officer confirmed that there was reliance upon the main dwelling given there was no kitchen facility and both the main dwelling and proposed granny annexe had shared access to the property with parking to the rear. Independent occupation of the granny annexe would require separate planning permission in its own right and had been covered by condition. The Committee was also advised that covenants could not be applied as they imposed civil restrictions.

The Committee concluded that the proposal did not represent ancillary accommodation, would provide a poor level of amenity to the occupiers and by virtue of its poor design and flat roof represented a dwelling that would be out of character with the surrounding area.

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

| | RECORDED VOTES LIST | | | |
|-----|---------------------|----------|----------|----------|
| | Councillor | FOR | AGAINST | ABSTAIN |
| 1. | Marsha Moseley | | | X |
| 2. | Jon Askew | X | | |
| 3. | Angela Gunning | | X | |
| 4. | Paul Spooner | | X | |
| 5. | Colin Cross | | | X |
| 6. | Chris Blow | | X | |
| 7. | Tony Rooth | | X | |
| 8. | Ruth Brothwell | | X | |
| 9. | Caroline Reeves | X | | |
| 10. | David Bilbe | | X | |
| 11. | Bob McShee | | | X |
| 12. | Liz Hogger | X | | |
| 13. | Susan Parker | | X | |
| 14. | Jan Harwood | X | | |
| | TOTAL | 4 | 7 | 3 |

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

| | RECORDED VOTES LIST | | | |
|-----|---------------------|----------|----------|----------|
| | Councillor | FOR | AGAINST | ABSTAIN |
| 1. | Chris Blow | X | | |
| 2. | Ruth Brothwell | X | | |
| 3. | Angela Gunning | X | | |
| 4. | Colin Cross | | | X |
| 5. | Liz Hogger | | X | |
| 6. | Marsha Moseley | | | X |
| 7. | Caroline Reeves | | X | |
| 8. | Susan Parker | X | | |
| 9. | Jon Askew | | X | |
| 10. | Paul Spooner | X | | |
| 11. | David Bilbe | X | | |
| 12. | Bob McShee | | | X |
| 13. | Tony Rooth | X | | |
| 14. | Jan Harwood | | X | |
| | TOTAL | 7 | 4 | 3 |

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

RESOLVED to refuse application 20/P/02126 for the following reasons:

1. Due to its siting the building would be remote from the main dwelling and therefore, lack a physical connection limiting its ability to perform its function as ancillary accommodation. Furthermore, the location and facilities within the building mean it would provide a poor level of amenity to the occupiers of the building. The development would therefore fail to accord with policy G1(3) of the saved Guildford Borough Local Plan 2003 and policy D1 of the Adopted Guildford Borough Local Plan Strategy and Sites.

2. The proposed development would, by virtue of its scale and flat roof design, present a poor design form which fails to respect the character of the existing dwelling. The development therefore fails to accord with policies G5 and H8 of the saved Guildford Borough Local Plan 2003 and Chapter 12 of the National Planning Policy Framework.

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☐ 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.

In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice, however, the Council has considered further issues have arisen and as a result the development was considered to be unacceptable.

PL95 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeal decisions.

The meeting finished at 9.05 pm

Signed

Chairman

Date

