

PLANNING COMMITTEE

Councillor Fiona White (Chairman)

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

* Councillor Jon Askew	* Councillor Liz Hogger
* Councillor Christopher Barrass	* Councillor Marsha Moseley
* Councillor David Bilbé	* Councillor Susan Parker
* Councillor Chris Blow	* Councillor Maddy Redpath
* Councillor Ruth Brothwell	* Councillor Paul Spooner
* Councillor Angela Gunning	* Councillor James Steel
Councillor Jan Harwood	

*Present

Councillors Richard Billington, Ramsey Nagaty, John Rigg and Julia McShane, were also in attendance.

PL96 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Jan Harwood for whom Councillor Pauline Searle attended as a substitute.

An apology was also received from the Chairman, Councillor Fiona White. The Vice-Chairman therefore chaired the meeting on this occasion.

PL97 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

20/P/01756 – (Page 85) – Food Store, Railton Road, Guildford, GU2 9LX

Councillor Pauline Searle declared a non-pecuniary interest in the above application owing to being a ward councillor. She confirmed that she had come to the meeting with an open mind and would consider the application accordingly.

PL98 MINUTES

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

PL99 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL100 20/P/00737 - ORCHARD WALLS, BEECH AVENUE, EFFINGHAM, LEATHERHEAD, KT24 5PG

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

- Mr Ian Symes (Effingham Parish Council) (to object);
- Mr Roland McKinney (speaking on behalf of Crossroads Resident's Association) (to object) and;
- Ms Kay Collins (Agent) (In Support)

The Committee considered the above-mentioned full application for demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close' (amended

description with amended plans received 18 November 2000). The Committee was informed by the planning officer that the site was allocated for up to six new homes in the Effingham Neighbourhood Plan which allowed for the replacement of the existing house. The site was also located adjacent to Effingham Conservation Area. The brick walls along the site boundary were locally listed and formed part of the kitchen garden for the Effingham House Estate. The scheme had been amended and reduced the number of originally proposed properties from 8 to 6 resulting in a density of 16.2 dwellings per hectare. The proposal would have three four-bedroom houses and three, three-bedroom houses. The plots that shared a boundary with the road would follow the building line of the adjoining buildings along Beech Close and Beech Avenue. Changes in the built form were proposed with the width of the homes narrowed and the roof form was less bulky with the removal of flat roofed areas and increased gaps introduced between the buildings to reflect the local vernacular of the area. The beech hedge which was a feature of the site would be retained and the locally listed wall protected. A 1.2 metre gap was also proposed between the main building and the wall.

The Committee noted that Policy ENP-H2 of the Effingham Neighbourhood Plan required that at least 50% of market homes should have one or two bedrooms. This scheme did not meet that criteria and the applicant had therefore submitted a Viability Assessment Report on the grounds of financial viability. The applicant had concluded that not only was the site unable to viably support a smaller policy compliant scheme, but neither the proposed 6 no. detached house scheme nor the smaller 6 unit policy compliant scheme could afford to provide any element of affordable housing contribution, with the larger proposed scheme only remaining viable if the development was sold on the basis of 100% private sales. The Viability Assessment Report had also been independently reviewed by consultants appointed by the Council who also concluded that a smaller policy compliant scheme would not be viable. A financial contribution towards the provision of affordable housing in the local area had also been secured via S.106 contributions as detailed in the supplementary late sheets.

The Committee was concerned regarding the financial viability assessment, particularly the last-minute inclusion of the affordable housing contribution, which was included on the supplementary late sheets, published prior to the meeting. The Committee agreed that more time was needed to consider the implications of the affordable housing contribution as well as requesting comment by the Council's external consultant's, Dixon and Searle, on this extra component and how it would affect the overall profit obtained from this development.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Susan Parker	X		
2.	Christopher Barrass	X		
3.	Liz Hogger	X		
4.	Maddy Redpath	X		
5.	James Steel	X		
6.	David Bilbé	X		
7.	Marsha Moseley	X		
8.	Pauline Searle	X		
9.	Colin Cross			X
10.	Chris Blow	X		
11.	Jon Askew	X		
12.	Angela Gunning	X		
13.	Ruth Brothwell	X		
14.	Paul Spooner	X		
	TOTAL	13	0	1

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

RESOLVED to defer application 20/P/00737 to give the Committee more time to consider the implications of the financial contribution secured towards the provision of affordable housing in the local area.

PL101 20/P/01569 - THE SHED FACTORY, PORTSMOUTH ROAD, RIPLEY, WOKING, GU23 6EW

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

- Mr Chris Arnold (to object);
- Ms Sally Hall (to object) and;
- Mr Andrew Badosz (Agent) (In Support)

The Committee considered the above-mentioned full application for change of use of the site from established garden shed business (Use Classes E (light industrial) and B8 (storage and distribution) with ancillary retail use (Use Class E) to car sales business (sui generis) for the display of cars for sale.

The Committee was informed by the planning officer that the site was located within the Green Belt and outside of the settlement boundary. It was accessed off Portsmouth Road and surrounded on all sides by residential dwellings. The site was currently comprised of a detached industrial building in the centre that was used for manufacturing sheds, a detached office building to the south and external storage and hardstanding across the front of the site which was used for the display of sheds. The proposed change of use would incorporate the existing single storey office which would be used as a sales and administration office for the sale of cars. The main workshop buildings would also be used for the car sales, preparation and cleaning of cars prior to sale. The hardstanding would be used for the display of cars for sale. The proposed opening hours were Monday to Saturday 9am to 5:30pm and Sundays and Bank Holidays 10am to 4pm. It was important to note that there were currently no conditions restricting the hours of operation of the existing shed factory business.

The Committee noted that the elevations of the workshop buildings within the site would remain unaltered. In the planning officer's view, it was considered that the proposed use would not significantly increase the level of activity on the site compared to the existing use. The site had an established light industrial use with retail sales and could therefore be used for alternative commercial uses which fell within the use classes without requiring permission. Conditions were recommended to restrict the hours of opening and to restrict the use of car sales only to ensure the impact on neighbouring residents was minimised. The proposed change of use of the site and re-use of existing buildings constituted appropriate development within the Green Belt and would also continue to provide employment on the site. The proposal would not have a materially greater impact on the openness or the character of the area when compared to the existing use. Subject to the recommended conditions, it was considered that there would not be a detrimental impact upon neighbouring amenity, would not be a material impact on the surrounding highway network and the application was therefore recommended for approval.

The Committee considered the application and whether it was possible to add two conditions, the first to include landscape and boundary treatments along the frontage so to break up the expanse of parked cars for sale. This would assist with the visual amenity from the public highway. The second condition related to the hours of operation at the weekend and bank holidays, specifically to request that no valeting or noisy operations took place during this time.

The Planning Development Manager confirmed that the additional conditions proposed could be implemented. It was also clarified that the proposed car sales business had submitted no plans for an additional car valet sub business to be run onsite. All valeting activities would take place within the existing buildings and was solely related to the cars being prepped for sale. Owing to concerns raised regarding lighting and the potential for light spillage to residential properties, the Committee agreed that a condition was added that required any light fittings to first be agreed in writing with the Local Planning Authority.

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.	Chris Blow		X	
3.	Angela Gunning	X		
4.	David Bilbe	X		
5.	Paul Spooner	X		
6.	Pauline Searle	X		
7.	Susan Parker		X	
8.	Liz Hogger	X		
9.	Maddy Redpath	X		
10.	James Steel	X		
11.	Jon Askew	X		
12.	Marsha Moseley	X		
13.	Christopher Barrass		X	
14.	Ruth Brothwell	X		
	TOTAL	10	3	1

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

RESOLVED to approve application 20/P/01569 subject to the conditions and reasons as detailed in the report and the amended condition 4 as well as additional conditions 5, 6, 7 and 8 as detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TS-01-01-020 REV PF1, TS-02-02-030 REV PF2 (existing) and TS-08-04-101 REV PF2 received 17 September 2020 and TS-02-02-030 REV PF2 (proposed) received 24 September 2020.

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

3. The use hereby permitted shall not operate other than between the hours of 09:00 to 17:30 Mondays to Saturdays (inclusive) and 10:00 to 16:00 on Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

4. The premises shall be used for car sales (including car valeting / cleaning relating to the preparation of cars for sale) and for no other purpose (including any other purpose in Class E or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Any car valeting / jet spraying / car washing carried out on the site shall only be in connection with the preparation of cars for sale and not for any wider commercial use / purpose.

Reason: In granting this permission the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

5. No car cleaning including car valeting, jet spraying or car washing shall take place on Saturdays, Sundays or Bank / National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

6. The use hereby approved shall not be commenced until full details soft landscape proposals for the front and side boundaries of the site, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the commencement of the use hereby approved and retained. The landscaping proposals must not encroach within the visibility splays at the access to the site.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

7. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the commencement of the use. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

8. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In the interests of visual and/or residential amenity

PL102 20/P/00481 - PLOT 5, GUILDFORD BUSINESS PARK, GUILDFORD BUSINESS PARK ROAD, GUILDFORD, GU2 8XG

The Committee considered the above-mentioned full application for redevelopment to provide purpose-built student accommodation including 360 bedspaces, support ancillary student services (such as study spaces, gymnasium, games room, lounge areas, student hub) car and cycle parking, access and landscaping arrangements.

The Committee was informed by the planning officer that the site was allocated as a strategic employment site. It was located next to the railway line and was part of Guildford Business Park. The site was used as a surface car park and had extant planning permission for an office building. The proposal was for a purpose-built student accommodation scheme over 6-storeys. It would have 360 bed spaces and self-contained studios with gardens and some shared facilities. There would be no net loss of onsite car parking for the business park. The adjoining multi-storey car park would also be enlarged by having an additional storey.

The proposed building would appear as a stand-alone development with a distinctive character of its own and would not be incongruous in relation to the buildings on Guildford Business Park. Only 8 car parking spaces would be provided, 4 of which would be accessible. Two internal terraces were proposed for additional outdoor amenity space. There was an approved footbridge over the railway line for improved pedestrian accessibility to the University Campus. However, the bridge would only be built if the student accommodation was approved.

The Committee noted that an appeal decision for a very similar scheme on this site was dismissed by the Planning Inspectorate in October 2020 owing to the loss of employment space which was contrary to policy E3 of the Local Plan. The applicant was therefore invited to submit additional information to address these concerns. The applicant submitted a test of marketing and details of results from marketing for alternative employment uses which the Council independently assessed and was found that the site had in fact received a high number of queries and interest in the site for employment uses. Whilst the marketing for offices uses was active and comprehensive, the marketing strategy for non-office uses was not to the same level and was not active and comprehensive with little new information submitted since the determination of the appeal in October 2020.

The primary issue that had to be addressed was the loss of an employment site. The UK had a plan led system and evidence was required before land was designated to meet the objectives of the Local Plan. There was a need to manage the risk to economic health and limit further land take to compensate such losses. The site was a strategic employment site and protection had to be afforded to that. The test of marketing failed to satisfy the policy requirement that the land could not be used for other employment generating uses.

In addition, the applicant had failed to satisfy policy D2 in relation to energy hierarchy and ensuring sustainability amidst the backdrop of climate change. The applicant had stated that they would aspire towards a BREEAM 'excellent standard' but in their application was seeking to achieve BREEAM 'very good'. The BREEAM 'very good' accorded with the 2011 SPD and the requirement was now for an 'excellent' standard to be achieved as per Policy D2.

The Chairman permitted Councillor John Rigg to speak in favour of the development for three minutes regarding the application. He was of the view that the concept of a business park was outdated and too binary. Students would fill the space and the University represented fifty per cent of the economy in Guildford. There would be construction jobs which would provide employment. The 2009 position was not appropriate post Covid and the future should be for mixed development. This application should be the exception to the rule.

Mr Charles Streeten, a barrister from Francis Taylor Building had been invited to provide legal advice to the Committee. He advised that what was being suggested was that the local plan policies were not up to date and that members needed to be cognisant of taking this judgment. The planning system was a plan-led one under s38(6) and para 15 of the NPPF and if the policy for Strategic Employment Sites E3 was out of date, members would need to be consistent with this approach on future applications which could have significant legal consequences.

The Committee discussed the application and concerns raised that whilst the Local Plan had only recently been adopted, the requirement for employment land had potentially decreased, following the recent covid-19 pandemic, with the growing trend for companies to relinquish office space in favour of permitting their employees to work from home in the long term. The Committee noted that some of the existing tenants on the Business Park were leaving their premises owing to such reasons and that the proposal for university accommodation would create additional employment through the provision of construction jobs. It was also preferable to have student housing located close to the university campus as opposed to riverside locations which would be better suited for family homes. However, it was also noted that there was demand for light industrial uses and this site was the other side of the University campus.

The Committee also considered whether a departure from policy should be applied in this case given the rental costs were not high for offices on this site whilst the interest in office space was not forthcoming. The Committee considered whether the benefits afforded by the provision of a bridge that interconnected the town with the university should outweigh the policy reasons put forward to justify a refusal of this application.

The Committee also discussed their concerns regarding a potential departure in policy. It was acknowledged that the pandemic was an unusual circumstance, and policies should not be changed so quickly in response. Employment land would continue to be important. It was also noted that a lot of student accommodation had already been approved in Guildford, the demand for which had decreased owing to less foreign students coming to the UK. Brownfield sites were also needed particularly for light industrial businesses.

Mr Streeten advised that if there was a departure from the Local Plan, reasons would need to be given to explain the departure and that Policy E3 was out of date especially in the light of the recently refused appeal of 6th October 2020. There would be a precedent effect and under the duty to act consistently the Council would have difficulty arguing this in future. There would need to be some other material considerations which would need to be robust and justifiable. Student accommodation was not an employment use - these were B class uses such as light industrial. There was a separate local plan policy H1 for Student accommodation which guided such accommodation to on campus locations. Student accommodation on a Strategic Employment Site would not accord with policy.

The Planning Development Manager confirmed that if the application was approved, the departure from planning policy and the development plan would therefore necessitate that the application was referred to the Secretary of State.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	James Steel	X		
2.	Maddy Redpath	X		
3.	Jon Askew			X
4.	Ruth Brothwell		X	
5.	Susan Parker		X	
6.	Christopher Barrass		X	
7.	Colin Cross		X	
8.	David Bilbe	X		
9.	Chris Blow		X	
10.	Pauline Searle	X		
11.	Paul Spooner		X	
12.	Angela Gunning	X		
13.	Liz Hogger	X		
14.	Marsha Moseley	X		
	TOTAL	7	6	1

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

RESOLVED to refuse application 20/P/00481 for the reasons as detailed in the report.

PL103 20/P/01756 - FOOD STORE, RAILTON ROAD, GUILDFORD, GU2 9JX

[Councillor Paul Spooner had to leave the meeting owing to a previous appointment and was not present for the consideration of this application or vote].

The Committee considered the above-mentioned full application for variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours.

The Committee was informed by the planning officer that the foodstore was located in the urban area of Guildford. The proposal sought to vary the approved hours from 7am to 10pm Mondays to Saturdays and 10am to 6pm on Sundays and 6am to 11pm seven days a week. The proposal also incorporated a variation to the hours of opening of the adjacent children's nursery and Nuffield Health Centre which had been previously approved under a separate Section 73 application. Therefore, the only change to be assessed under this proposal was the change in the opening hours for the foodstore.

The site consisted of a purpose-built retail building located within Elizabeth Park residential estate and was formerly occupied by a Budgens foodstore. Tesco's Express had recently taken over the premises. A parking area was located to the front and side of the store, a community centre was located to the north with a public square and open space to the side. Office units were located along Little Street. Nuffield Health Centre was located to the south of the site with the nearest residential properties being approx. 45 metres away. The Council's Environmental Health Officer had assessed the proposal and was not in objection to the proposed change to the opening hours of the store, subject to a condition to ensure that the hours of delivery were restricted to 7am to 10pm. The applicant had agreed to the condition being imposed and should be noted that a condition did not currently exist to restrict the hours for delivery.

In the planning officer's view, it was considered, that subject to the recommended condition restricting the hours of delivery, the proposed change of use to the opening hours would not have an unacceptable effect upon neighbouring amenities. The relevant conditions from the original 2002 permission would also need to be re-applied.

The Committee discussed the application and agreed that the extended hours proposed of 6am – 11pm, seven days a week, was unacceptable owing to the adverse impact it would have upon neighbouring amenities. The noise generated at anti-social hours by members of the public and staff coming and going from the store would affect the peace and quiet of the surrounding residential area.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Maddy Redpath		X	
2.	Ruth Brothwell		X	
3.	Angela Gunning		X	
4.	Jon Askew		X	
5.	Colin Cross		X	
6.	Pauline Searle		X	
7.	Chris Blow		X	
8.	James Steel		X	
9.	Christopher Barrass		X	
10.	David Bilbe		X	
11.	Susan Parker			X
12.	Liz Hogger		X	
13.	Marsha Moseley		X	
	TOTAL	0	12	1

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Jon Askew	X		
2.	Angela Gunning	X		
3.	James Steel	X		
4.	Marsha Moseley	X		
5.	David Bilbe	X		
6.	Pauline Searle	X		
7.	Maddy Redpath	X		
8.	Christopher Barrass	X		
9.	Ruth Brothwell	X		
10.	Liz Hogger	X		
11.	Chris Blow	X		
12.	Colin Cross	X		
13.	Susan Parker	X		
	TOTAL	13	0	0

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

RESOLVED to refuse application 20/P/01756 for the following reasons:

1. The proposed extended hours of opening, due to the noise and disturbance from comings and goings associated with the food store at unsociable hours including on Sundays /Bank Holidays, within a quiet residential area, would have a detrimental impact on the amenities enjoyed by neighbouring residents. The application therefore fails to comply with Policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and Para 127 of the National Planning Policy Framework.

2. A deed of variation to link the following obligations secured through application 02/P/01632 would have been sought from the applicant had the application been supported:

- Construction of a Community Facility on the village green of 390 metres square. This facility is to be rented at a peppercorn rent;
- Maintenance of the external fabric of the Community Facility by the developer in perpetuity;
- The use of the 'mixed-use' building as a Doctors' Surgery within 3 years of the start of the construction of this phase. After which, if unsuccessful, the building will revert to one of the alternative approved uses.
- Contribution of £100,000 towards the design, implementation and future maintenance of a bus priority feature within the site, if required within the five years following occupation of any part of the site.
- The provision, agreement and operation of a Travel Plan for employees of the development including a contribution of £2000 towards the supervision of the monitoring of the plan.

Without a completed deed of variation securing these contributions an objection is raised in accordance with policy ID1 of the 2019 Local Plan and the National Planning Policy Framework and the Planning Contributions SPD (March 2011).

PL104 21/P/00068 - CARISWORTH, WOODSTOCK, WEST CLANDON, GUILDFORD, GU4 7UJ

[Councillor Paul Spooner had to leave the meeting owing to a previous appointment and was not present for the consideration of this application or vote].

The Committee considered the above-mentioned full application for refurbished covered way roof and construct walls to enclose area including changes to fenestration.

The item had been referred to Planning Committee by the Council's Planning Development Manager because the application had been submitted on behalf of a member of staff.

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

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Pauline Searle	X		
2.	Colin Cross	X		
3.	Susan Parker	X		
4.	Ruth Brothwell	X		
5.	Liz Hogger	X		
6.	Christopher Barrass	X		
7.	David Bilbe	X		
8.	Marsha Moseley	X		
9.	Angela Gunning	X		
10.	Jon Askew	X		
11.	Maddy Redpath	X		
12.	James Steel	X		
13.	Chris Blow	X		
	TOTAL	13	0	0

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

RESOLVED to approve application 21/P/00068 subject to the conditions and reasons as detailed in the report.

PL105 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeal decisions.

The meeting finished at 9.22 pm

Signed

Chairman

Date