

## PLANNING COMMITTEE

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

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

\*Present

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

Apologies for absence were received from Councillors David Bilbé, Chris Blow, Angela Goodwin and The Mayor, Councillor Marsha Moseley. Councillor Deborah Seabrook and Will Salmon attended as substitutes for Councillors Blow and Goodwin respectively. No substitutes were in attendance for Councillors Bilbé or The Mayor, Councillor Marsha Moseley.

In addition, Councillors Tom Hunt, Julia McShane and John Rigg were in attendance online as well as Councillor Chris Blow who were all observing the meeting only.

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

21/P/01283 – Howard of Effingham School Lower Road, Effingham, Leatherhead, KT24 5JR  
and 21/P/01306 – Land at Effingham Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP

Councillor Liz Hogger declared a non-pecuniary interest in the above applications. She stated that although she was a member of Effingham Parish Council, she did not comment or vote on any planning applications which came before the Parish Council and therefore did not participate in the Parish Council's decision to object to these applications. Councillor Hogger also stated that several of her friends and acquaintances in Effingham had objected to these applications, she had played no part in their decision to object. Neither of these issues would affect her own judgement and would approach the discussions on both applications with an open mind.

### PL3

The minutes of the Planning Committee meeting held on 21 March 2022 would be available for approval at the next meeting scheduled on 27 April 2022.

### PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

MINUT

**PL5 21/P/01306 - LAND AT EFFINGHAM LODGE FARM, LOWER ROAD, EFFINGHAM, LEATHERHEAD, KT24 5JP**

The Committee considered the hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

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

- Cllr Bronwen Roscoe (On behalf of Effingham Parish Council) (to object) (in person);
- Mr Ian Smith (Vice-Chairman of Effingham Resident's Association) (to object) (in person);
- Mr John Rhodes OBE, Quod – Planning Consultant on behalf of the applicant (In Support) (online) and;
- Ms Rhona Barnfield, The Howard Partnership Trust – on behalf of Howard of Effingham School (In Support) (in person)

The Committee received a presentation from the planning officer, John Busher. The Committee noted the supplementary late sheets which detailed some corrections, additional information and late representations. The Committee were also reminded that Mr Anthony Lee (Viability Consultant) was online in order to answer any queries. The application was a hybrid planning application for part outline consent for 114 dwellings and open space on land to the north of Effingham. Whilst the proposal was a separate planning application, it was also linked to the Howard of Effingham enabling proposal which was allowed on appeal by the Secretary of State in 2018. The construction of 295 dwellings on three sites within the village would fund the construction of a new and expanded secondary school. The appeal proposal was no longer viable, therefore the additional 114 dwellings proposed through this application was now required to make the scheme viable again. The current proposal consisted of three sites, this site where 110 of the 114 dwellings would be located, a smaller site for outline planning permission for four detached dwellings and a new area of open space fronting onto Lower Road. All three parcels of land were located within the Green Belt and were outside of the Effingham Conservation Area. However, the parcel of land for outline planning permission did not adjoin the boundary of the Conservation Area. A number of residential pockets were located along Effingham Common Road. The largest parcel of land to the north would have 110 dwellings with the proposed access from Effingham Common Road and would use the spine road, approved at appeal. The proposed four detached self and custom build houses would result in the demolition of two existing detached properties which currently occupied the site but were vacant and derelict and had been for some time. The village green would also be located at the entrance to the wider development fronting onto Lower Road.

The main residential site that would accommodate 110 dwellings would lead to two parcels of development with 40 apartments and 70 dwellings of which 19 per cent would be affordable which equated to 22 units. Three apartment blocks would comprise of a mix of two and three storey buildings. The proposed dwellings were a mix of terraces, semi-detached and detached properties. The site would front onto the open space south of Thornet Wood and would include a linear path that would run through the centre of the site.

The area of open space would include a mixed fruit community orchard, a grass amenity area in the centre, a new hedge and tree planting and a new natural children's play area. Community growing gardens which were essentially allotments would also be provided and included sheds and composting facilities.

The three storey apartment blocks, planning officers believed were not excessively high and compared to other three-storey blocks already approved onsite at appeal. The new village green would be surrounded by trees on all sides and a specimen oak planted in the middle. There would also be a small path located around the perimeter of the open space as well as some benches. The self and custom build properties would front onto Lower Road and would replace the existing two detached properties and would be accessed from the appeal proposal. Planning officers were content that the four dwellings could be accommodated on the site and that access arrangements were acceptable. The exact layout and design of the scheme would of course be considered at reserved matters stage.

The Committee noted that the appeal scheme approved by the Secretary of State was no longer viable and that in the current situation the replacement school could not be delivered. Since the appeal was determined, the cost of delivering the scheme had significantly increased. There was no prospect of public sector subsidies on the scale required and therefore the only feasible remedy to the lack of viability was to increase the number of houses which were necessary to pay for the school. The scheme proposed an additional 114 dwellings which would meet most of the new deficit and rendered the scheme and replacement school as viable again. This had also been independently verified by the Council and via the applicant's own viability assessment.

This proposal was inextricably linked to the appeal scheme and as such, planning officers had carried out a thorough examination of the Inspector and Secretary of State's decision. Planning officers had concluded that there were numerous harms arising from the proposal which were acknowledged both as a whole and combined with the appeal proposal did weigh against the scheme. This included substantial weight given to the harm to the Green Belt and designated heritage assets and harm caused to the character of the area as well as the lack of the required number of self-build dwellings. However, conversely the provision of a new modern purpose-built school with increased pupil spaces and dedicated special education needs facility would attract very substantial weight in favour of the proposal. Significant weight was also afforded to the sustainability and energy improvements which were being offered by the applicant and secured by condition as well as the provision of new areas of public open space and gardens which would benefit the village more generally. Planning officers considered that the benefits of the scheme did clearly and demonstrably outweigh the identified harm and as such the application was recommended for approval subject to a S106 Agreement.

In response to comments made by the public speakers, the planning officer, John Busher confirmed that the current application was separate and self-contained but that the appeal decision was also an important material consideration. Planning officers had therefore undertaken a balancing exercise in reflecting the change in circumstances in the appeal scheme and the existing application. In terms of housing need, the Council had a 7.1-year housing supply currently which was very healthy, however, despite that, the government had tasked local authorities with increasing housing availability overall and such provisions should therefore be given significant weight. The need for the new school had been confirmed by the Surrey County Council Education Authority who supported the rebuilding of the Howard of Effingham School.

The Chairman permitted Councillor Liz Hogger to speak for five minutes in her capacity as Ward Councillor. The Committee noted the key argument put forward was that whether the increased construction costs which affected the viability of the appeal scheme constituted very special circumstances for this development in the Green Belt. The school architects Scott Brownrigg, who gave evidence at the public enquiry stated that the cost of building a new 2000 place school was 38 million pounds which had now gone up to 53.5 million pounds. The Committee noted concerns raised whether the school was over-specified or if it was more expensive than you would expect for a normal state school. Could more cost-effective options be explored, as looked at in the public inquiry, for delivering the improved facilities without needing additional homes in the Green Belt in order to pay for it. The Committee also noted

questions over whether the additional 400 places were required given that since the appeal a number of new schools had already been built and or extended. In addition, with the five-year housing land supply, the extra home were arguably significant rather than substantial. The proposed development also represented substantial harm to be caused to the Green Belt, causing a loss of openness and encroachment onto the countryside as well as substantial harm caused to the Effingham Conservation Area and harm caused to the character and appearance of the village. The provision of affordable homes, at 19% was also concerning as well as the impact upon Thornet Wood.

The Committee discussed the application and noted comments that it was enabling development which had been supported by a viability assessment. The proposed development in the Green Belt was disappointing but acknowledged that the balancing exercise undertaken found in favour of the development proceeding.

The Committee also noted remaining concerns regarding the change in costs in construction which had occurred over a relatively short space of time. The rapid increase in house prices over the last two-three years had in particular affected the viability equation and would in turn affect how much money the developer would receive from the current proposal. The Committee noted that they should look at this application in isolation from the school. However, they were being advised that the two were inextricably linked. Were additional school places required when the demand was falling overall, and school place numbers had generally increased elsewhere.

In response to comments made so far, the planning officer, John Busher confirmed that the Committee had to consider the application before it. There was not an option for a remodelled application with fewer houses. The newly proposed school was in fact 15sqm smaller than the school that was originally approved by the Secretary of State. Through various different reserved matters applications, planning officers had sought to reduce the spread and number of buildings and so the applicant had combined the sixth form centre with the sports hall as well as made some changes to the layout and design of the school so to try to save costs at an early stage. The County Council also had not objected to the proposal and were consulted on the number of places proposed.

The Committee considered that a key question for the Viability Consultant, was what were their findings, having factored in the rise in property prices as opposed to the costs of building the school. The Viability Consultant confirmed that values and costs were looked at that would be achievable as of today. The issue in the assessment was that the school construction costs had increased and had been assessed by a QS School Advisor in Construction and the costs identified were in fact noted to be slightly light as certain items had been excluded from those costs. Therefore, the amount of money made by the additional housing proposed was the minimum necessary to deliver the school. There was no other money available in the scheme to do this.

The Committee noted further comments from the planning officer, John Busher that this application was inextricably linked to the school as it was enabling the school's construction and had been included in the planning balance.

The Committee noted concerns raised that the additional school places were not fundamentally necessary given the education authority was not paying for them. Surely the education authority would be paying for the additional spaces if they were desperately needed. The green belt harm had therefore significantly increased as the benefits afforded by the additional school places were not generated from a place of need.

The Committee also asked what the diversity of the school places would look like when considering the very low percentage of affordable home provision at 19% and large uplift in

school places from 600 to 2000. The Committee also noted concerns raised regarding the play space and its impact upon the ancient woodland.

In response to comments made by the Committee that there could be further houses built at a later date, the planning officer, John Busher confirmed that if that were to happen, then that would be subject to a separate planning application and was not for consideration now. It was also confirmed that the school pupils would come from the local catchment area, and it was not known how many pupils would come from affordable homes. The Council's Ecologist and Tree Officer had also assessed the application and were happy with the relationship between the play area and ancient woodland.

The Committee considered that the very special circumstances put forward did not outweigh the very significant harm that would be caused to the Green Belt by virtue of the size of the development and its location. The openness of the countryside would be damaged and create an overbearing form of development particularly when viewed from Effingham Common Road harming the character and appearance of the area.

A motion was moved and seconded to approve the application subject to a S106 which was lost.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Jon Askew		X	
2	Cllr Ramsey Nagaty		X	
3	Cllr Will Salmon		X	
4	Cllr Fiona White	X		
5	Cllr Chris Barrass		X	
6	Cllr Colin Cross		X	
7	Cllr Maddy Redpath	X		
8	Cllr Deborah Seabrook	X		
9	Cllr Liz Hogger		X	
10	Cllr Paul Spooner	X		
11	Cllr Ruth Brothwell	X		
12	Cllr Pauline Searle		X	
13	Cllr Angela Gunning	X		
	<b>TOTALS</b>	<b>6</b>	<b>7</b>	<b>0</b>

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Ramsey Nagaty	X		
2	Cllr Pauline Searle	X		
3	Cllr Colin Cross	X		
4	Cllr Will Salmon	X		
5	Cllr Ruth Brothwell	X		
6	Cllr Jon Askew	X		
7	Cllr Deborah Seabrook		X	
8	Cllr Paul Spooner		X	
9	Cllr Angela Gunning		X	
10	Cllr Liz Hogger	X		
11	Cllr Chris Barrass	X		
12	Cllr Maddy Redpath		X	
13	Cllr Fiona White			X
	<b>TOTALS</b>	<b>8</b>	<b>4</b>	<b>1</b>

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

RESOLVED to refuse application 21/P/01306 for the following reasons:

1. The proposal represents inappropriate development within the Green Belt which is harmful by definition. In addition, due to the quantum of development and its location, the proposal would result in a harmful loss of openness to the Green Belt and would result in further encroachment into the countryside, thereby conflicting with the purposes of including land within the Green Belt. The case for very special circumstances has been considered, however, the benefits of this proposal are not considered to clearly outweigh the inherent harm to the green belt (and any other harm). As such, the proposal is contrary to policy P2 of the Guildford Borough Local Plan Strategy and Sites, policies ENP-G1 and ENP-G5 of the Effingham Neighbourhood Plan and chapter 13 of the National Planning Policy Framework.
2. Taking into account the rural character of the surroundings, the proposal would represent an overly urban form of development which would result in harm to the character and appearance of the area, including the prominent views of the development from Effingham Common Road. The proposal is therefore contrary to policy D1 of the Guildford Borough Local Plan Strategy and Sites, policy ENP-G2 of the Effingham Neighbourhood Plan, chapter 12 of the National Planning Policy Framework and the National Design Guide.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such the development is contrary to the objectives of saved policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites and conflicts with saved policy NRM6 of the South East Plan 2009.

For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

4. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes, but is not limited to, the following:
- the delivery of 22 affordable housing units;
  - provision of SAMM contributions;
  - secure SANG land to mitigate the impact of the development on the TBHSPA;
  - contribution towards Police infrastructure;
  - contribution towards early years education projects;
  - contribution towards health care infrastructure;
  - contribution towards but not limited to, the Digital Demand Responsive Transport (DRT) bus service and enhancements of the existing local public bus service as required;
  - a contribution towards the 'Lower Road/Effingham Common Road Traffic Calming' scheme;
  - a Travel Plan auditing fee;
  - secure triggers which prohibit the commencement of the development until certain circumstances are met (these may be tied to the construction of the replacement school and/or the already approved residential phase on Lodge Farm); and
  - securing the provision, maintenance and management of the open space areas proposed through the planning application, including the new village green area, the natural play area, community growing gardens, amenity space and a community orchard. Accordingly, the proposal is contrary to policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, the Council's Planning Contributions SPD 2017 and the NPPF.

**Informatives:**

1. This decision relates expressly to drawing(s):

No.	Drawing / Document Title
01023C_S01	Site Location Plan
01023C_MP02	Illustrative Masterplan
01023C_S01	Site Sections - Sheet 1
01023C_S02	Site Sections - Sheet 2
01023C_S03	Site Sections - Sheet 3
01023C_S04	Site Sections - Sheet 4
01023C_S05	Site Sections - Sheet 5
01023C_001A	Plot 1 - Elevations
01023C_001C	Plot 1 - Plans
01023C_002A	Plot 2 - Elevations
01023C_002B	Plot 2 - Plans
01023C_003A	Plot 3 - Elevations

01023C_003B	Plot 3 - Plans
01023C_004A	Plot 4 - Elevations
01023C_004B	Plot 4 - Plans
01023C_005A	Plot 5-6 - Elevations 1
01023C_005B	Plot 5-6 - Elevations 2
01023C_006A	Plot 5-6 - Plans 1
01023C_006B	Plot 5-6 - Plans 2
01023C_007A	Plot 7-8 - Elevations 1
01023C_007B	Plot 7-8 - Elevations 2
01023C_008A	Plot 7-8 - Plans 1
01023C_008B	Plot 7-8 - Plans 2
01023C_009A	Plot 9 - Elevations
01023C_009B	Plot 9 - Plans
01023C_010A	Plot 10 - Elevations
01023C_010B	Plot 10 - Plans
01023C_011A	Plot 11 - Elevations

01023C_011B	Plot 11 - Plans
01023C_012A	Plot 12 - Elevations
01023C_012B	Plot 12 - Plans
01023C_013A	Plot 13 - Elevations
01023C_013B	Plot 13 - Plans
01023C_014A	Plot 14 - Elevations
01023C_014B	Plot 14 - Plans
01023C_015A	Plot 15 - Elevations
01023C_015B	Plot 15 - Plans
01023C_016A	Plot 16 - Elevations
01023C_016B	Plot 16 - Plans
01023C_017	Plot 17-18 - Elevations
01023C_018	Plot 17-18 - Plans
01023C_019A	Plot 19-20 - Elevations 1
01023C_019B	Plot 19-20 - Elevations 2
01023C_020A	Plot 19-20 - Plans 1
01023C_020B	Plot 19-20 - Plans 2
01023C_021A	Plot 21 - Elevations
01023C_021B	Plot 21 - Plans
01023C_022A	Plot 22 - Elevations
01023C_022B	Plot 22 - Plans
01023C_023A	Plot 23 - Elevations
01023C_023B	Plot 23 - Plans
01023C_024A	Plot 24 - Elevations
01023C_024B	Plot 24 - Plans
01023C_025A	Plot 25-26 - Elevations 1
01023C_025B	Plot 25-26 - Elevations 2
01023C_026A	Plot 25-26 - Plans 1
01023C_026B	Plot 25-26 - Plans 2
01023C_027A	Plot 27 - Elevations
01023C_027B	Plot 27 - Plans

01023C_028	Plot 29-30 - Elevations1
01023C_029	Plot 29-30 - Elevations1
01023C_030	Plot 29-30 - Plans
01023C_031A	Plot 31-32 - Elevations 1
01023C_031B	Plot 31-32 - Elevations 2
01023C_032	Plot 31-32 - Plans
01023C_033	Plot 33-34 - Elevations
01023C_034	Plot 33-34 - Plans
01023C_035A	Plot 35 - Elevations
01023C_035B	Plot 35 - Plans
01023C_036	Plot 36-39 - Elevations 1
01023C_037	Plot 36-39 - Elevations 2
01023C_038	Plot 36-39 - Plans
01023C_040	Plot 40-41 - Elevations
01023C_041	Plot 40-41 - Plans
01023C_042	Plot 42-47 - Elevations 1
01023C_043	Plot 42-47 - Elevations 2
01023C_044	Plot 42-47 - Plans 1
01023C_045	Plot 42-47 - Plans 2
01023C_048	Plot 48-53 - Elevations 1
01023C_049	Plot 48-53 - Elevations 2
01023C_050	Plot 48-53 - Plans 1
01023C_051	Plot 48-53 - Plans 2
01023C_054A	Plot 54 - Elevations
01023C_054B	Plot 54 - Plans
01023C_055A	Plot 55 - Elevations
01023C_055B	Plot 55 - Plans
01023C_056A	Plot 56 - Elevations
01023C_056B	Plot 56 - Plans
01023C_057A	Plot 57 - Elevations
01023C_057B	Plot 57 - Plans
01023C_058A	Plot 58-59 - Elevations 1
01023C_058B	Plot 58-59 - Elevations 2
01023C_059A	Plot 58-59 - Plans 1
01023C_059B	Plot 58-59 - Plans 2
01023C_060A	Plot 60 - Elevations
01023C_060B	Plot 60 - Plans
01023C_061A	Plot 61 - Elevations
01023C_061B	Plot 61 - Plans
01023C_062A	Plot 62 - Elevations 1
01023C_062B	Plot 62 - Elevations 2
01023C_062C	Plot 62 - Plans
01023C_063A	Plot 63 - Elevations 1
01023C_063B	Plot 63 - Elevations 2
01023C_063C	Plot 63 - Plans
01023C_064A	Plot 64 - Elevations
01023C_064B	Plot 64 - Plans

01023C_065	Plot 65-67 - Elevations
01023C_066	Plot 65-67 - Plans
01023C_068	Plot 68-69 - Elevations
01023C_069	Plot 68-69 - Plans
01023C_070	Plot 70-71 - Elevations
01023C_071	Plot 70-71 - Plans
01023C_072	Plot 72-79 - Elevations 1
01023C_073	Plot 72-79 - Elevations 2
01023C_074	Plot 72-79 - Plans 1
01023C_075	Plot 72-79 - Plans 2
01023C_080A	Plot 80 - Elevations
01023C_080B	Plot 80 - Plans
01023C_081A	Plot 81-82 - Elevations 1
01023C_081B	Plot 81-82 - Elevations 2
01023C_082	Plot 81-82 - Plans
01023C_083A	Plot 83 - Elevations
01023C_083B	Plot 83 - Plans
01023C_084	Plot 84-91 - Elevations 1
01023C_085	Plot 84-91 - Elevations 2
01023C_086	Plot 84-91 - Plans 1
01023C_087	Plot 84-91 - Plans 2
01023C_092	Plot 92-94 - Elevations
01023C_093	Plot 92-94 - Plans
01023C_095	Plot 95-106 - Elevations 1
01023C_096	Plot 95-106 - Elevations 2
01023C_097	Plot 95-106 - Plans 1
01023C_098	Plot 95-106 - Plans 2
01023C_099	Plot 95-106 - Plans 3
01023C_107A	Plot 107-108 - Elevations 1
01023C_107B	Plot 107-108 - Elevations 2
01023C_108A	Plot 107-108 - Plans 1
01023C_108B	Plot 107-108 - Plans 2
01023C_109	Plot 109-110 - Elevations 1
01023C_110	Plot 109-110 - Plans
1581-002E	Thornet Wood Community Open Space
1581-003D	Residential Landscape Masterplan
1581-004E	Village Green Landscape Plan

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
- 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 before submission and the applicant addressed some concerns raised before submission. However, the Local Planning Authority found that the submitted scheme was not acceptable and permission was therefore refused.

**PL6      21/P/01283 - HOWARD OF EFFINGHAM SCHOOL, LOWER ROAD, EFFINGHAM, LEATHERHEAD, KT24 5JR**

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

- Cllr Bronwen Roscoe (On behalf of Effingham Parish Council) (to object) (in person)
- Mrs Vivien White (Chairman of Effingham Resident's Association) (to object) (in person)
- Mr John Rhodes OBE, Quod – Planning Consultant on behalf of the applicant (in support) (online)

The Committee considered the above-mentioned full application for variation of condition 1 (approved plans) of planning permission 14/P/02109 approved at appeal on 21/03/2018, to refer to updated parameter plans annotated to show the areas no longer to be developed pursuant to that application.

The Committee received a presentation from the planning officer, John Busher and noted the supplementary late sheets. This application also related to the Howard of Effingham site and was a Section 73 application. The application should be determined on the basis of the effect of varying the specified condition. The principle of the appeal scheme could not be re-opened or re-examined and was only an assessment of the changes which were being proposed in the context of current planning policies and the Local Plan. The Section 73 application only related to the Lodge Farm site and the other sites remained unaffected by the proposal. The proposal sought to remove, two parcels of land from the approved consent associated with application 14/P/02109. The first parcel of land to be removed was located to the west of the school playing fields. However, the orientation of the school sports facilities was amended and therefore this parcel of land had become surplus to requirements. The second parcel of land was located at the entrance to the site fronting Lower Road and was originally proposed to be used as outdoor amenity space for the school.

Planning officers had concluded that that the removal of these areas of land from the appeal scheme would have no particular harm on the operation of the school or the character and appearance of the site. The proposal did not amend the original description of development and was not inconsistent with it. The application was therefore recommended for approval subject to conditions and the completion of a Deed of Variation.

In response to comments made by the public speakers, the planning officer, John Busher confirmed that in their opinion it was not a fundamental change proposed to the scheme. The removal of the two parcels of land did not result in a development which was significantly different to that which had already been approved and did not introduce any new dwellings which the developer would need to seek planning permission for separately.

The Committee considered the application and noted concerns raised that whilst it was accepted the two parcels of land were no longer required for the purposes of the school, they were still required to deliver a balance of open space for the permitted scheme. The Planning Inspector had taken this into account regarding the amount of open space to be made available and stated that the northern element comprising the sports pitches would be entirely free of built development. He suggested that less than half the site would be built on, so that a balance would be achieved between the amount of open space in the green belt against the amount of built form. By taking these two pieces of land out completely altered that balance and would introduce the potential for more built form which was not considered acceptable.

The Committee considered the application and noted comments that the two parcels of land were effectively excluded at the reserved matters stage. Despite the fact they went through an appeal, we now have a Section 73 application to remove those two parcels of land because they are no longer required and was therefore merely a tidying up exercise.

The Committee considered concerns raised that by taking the two parcels of land out meant they were at risk of being built on. The Committee was also reminded that they could not speculate as to how the land would be used in the future but had to consider what was before them now.

The planning officer, John Busher confirmed that the application did not propose any kind of built development on the two parcels of land. They were simply being taken out of the appeal scheme and would remain as open space. The Committee noted the supplementary late sheets, particularly condition 7 as part of application 20/P/02048, stating that once the school was built, and before it was first occupied, the applicant was required to provide a landscaping scheme for those two areas of the site and would form part of the open space for the wider development.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Angela Gunning	X		
2	Cllr Maddy Redpath	X		
3	Cllr Pauline Searle	X		
4	Cllr Ramsey Nagaty			X
5	Cllr Paul Spooner	X		
6	Cllr Liz Hogger		X	
7	Cllr Chris Barrass		X	
8	Cllr Deborah Seabrook	X		
9	Cllr Colin Cross			X
10	Cllr Fiona White			X
11	Cllr Jon Askew	X		
12	Cllr Will Salmon			X
13	Cllr Ruth Brothwell	X		
	<b>TOTALS</b>	<b>7</b>	<b>2</b>	<b>4</b>

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

RESOLVED to approve application 21/P/01283 subject to the following:

- (i) That a Deed of Variation be entered into to secure the contributions and legal agreements under approved application 14/P/02109.

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

- (ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.

**PL7 20/P/01057 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB**

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

- Mr Richard Bartholomew (to object) (in person)
- Mr John Burns (to object) (in person)
- Mr Mark Hendy (Agent) (In Support) (in person)

The Committee received a presentation from the planning officer, Jo Trask and noted the supplementary late sheets. The application site was inset from the Green Belt with the exception of an area of land to the south and east which remained within the Green Belt. It was an allocated site in the Local Plan for approximately 26 dwellings and 90 square metres of retail/service area. The front part of the site was located within the Ripley Conservation Area and was an area of high archaeological potential. The site was also within the 400 metres to 5 km of the Thames Basin Special Protection Area and was in proximity of Grade II and Grade II star listed buildings. A curtilage listed wall was also located within the site which was subject to the listed building application on the agenda.

The proposal was for the erection of 26 dwellings following the demolition of existing buildings on site as well as two sections of the listed wall. All other structures to be demolished were not listed. The development was comprised of a mix of detached and semi-detached terraced and flatted properties, 42 parking spaces onsite as well as one visitor parking space. Access to the site would be provided from Whitehorse Lane and widened to 4-8 metres with a footpath provided to the east of the access road. The proposed building heights ranged between 6.8 metres to 8.9 metres. Numbers 1 to 3 have been designed to sit tight to the pavement and reflect the key characteristics of this part of the conservation area.

The application proposed a mixture of 2 x 1 bed properties, 11x2 bed properties, 7x3 bed properties and 6x4 bed properties. As detailed in the supplementary late sheets, the scheme also included the provision of 7 on site shared ownership units on plots 1 and 2.

In conclusion, the site was allocated under policy A44 within the Local Plan for approximately 26 dwellings plus 90 metres of retail or service use. The proposal sought to provide 26 dwellings. Some harm was afforded to the conflict with the Local Plan in the failure to provide the retail or service floor space. The application was also accompanied by a viability appraisal report. The recommendation then was that the Heads of Terms included a financial contribution towards affordable housing. Since that time, the applicant had approached the Council and offered the provision of 7 onsite shared ownership units that had been supported

by the Housing and Strategy Manager. The benefits of the scheme afforded by the housing proposed outweighed the less than substantial harm to the heritage assets.

In response to comments made by the public speakers, the planning officer, Jo Trask confirmed that the County Council as the Highway Authority had been consulted on the application and recommended conditions. They hadn't identified any harm in terms of the use and widening of White Horse Lane. The application proposed 42 parking spaces, one of which was a visitor space. Based on the Council's maximum parking standards, the development should provide 45 spaces, however the site was located within a sustainable location just off the High Street. In terms of viability, the developer had now offered seven affordable shared ownership units. The Council's Tree Officer had assessed the site and noted that the trees to be removed were of lower quality and not suitable for a Tree Preservation Order.

The Chairman permitted Councillor Colin Cross to speak for five minutes in his capacity as ward councillor. The Committee noted concerns raised regarding the removal of the retail allocation. The Local Plan Policy A44 clearly stated that the allocation for the site was for approximately 26 homes and 90 square feet of retail or service use that fronts onto the High Street. This would provide a shop frontage to encourage connections with other services in the village. There were only three areas in Guildford that had been given a District Centre policy with Ripley being one of them. The Marketing Report produced by Hurst Wayne stated that the site was on the periphery of the village centre and received little or no footfall. This was not the case, given the site was located next to the Talbot Hotel and opposite a very busy pub and restaurant. It was also located within the outer reaches of the local shopping area. The village could not be broken down into primary and secondary centres. It was accepted that residential flats could be constructed above the shops but the retail element on the High Street should not be lost. Concern was also expressed at the lack of visitor parking and no provision of a cycle lane. In addition, York cottage that was located adjacent to the site would be overshadowed by the proposed development, given it was a very old small cottage with low windows.

The Committee discussed the application and noted concerns raised regarding the foundations of the old cottage being disturbed by the proposed development and whether anything could be done to protect the property.

In relation to points raised by the Committee, the planning officer, Jo Trask confirmed that the Council did not have parking standards for the number of visitor spaces it should provide. The Highways Authority had assessed the application and considered that one visitor parking space was acceptable. Cyclists would most likely cycle on the road rather than the footpath, so a cycle lane was therefore not required on the pathway. The impact on York Cottage had been assessed. The terrace of three properties was set 1.8 metres to 1.4 metres away from the boundary and was hipped away so to avoid overlooking. There was also one first floor window which served a bathroom. On the supplementary late sheets, the conditions had been amended to include the requirement for obscure glazing. The terrace also did not extend back as far as York Cottage, so there was no impact on light. The terrace was set in a village location where you did find tight knit relationships between some properties. With regard to the potential impact upon the York cottage foundations, this was not a planning matter and fell under different legislation that could not be considered under this application. As alluded to previously, some harm had been attributed to the omission of the provision of up to 90 sqm of retail or service floorspace. However, the site was located towards the periphery of the village centre and therefore the level of harm was weighed at the lower end of the balancing exercise when considered in light of policy A44 of the Local Plan.

The Committee noted that the Committee report referred to survey data conducted in May 2019 which showed a strong trading performance across the whole shopping centre. Despite Covid, it would seem likely that the retail and service uses would bounce back because there was an interesting variety of shops in Ripley. Accommodation could always be provided above the retail services and therefore housing could still be provided and not lost.

The Committee noted concerns regarding the effect of the development upon the Green Belt which was located close to it. Access to the site also required demolition of part of the protected and listed walls. Trees also needed to be removed to facilitate that access and widening exercise.

The planning officer, Jo Trask in response to comments raised by the Committee referred to the Marketing Report undertaken by Hurst Warne and the fact that they had identified the site as being at the periphery of the shopping centre and not receiving much footfall. It was also confirmed that the development was contained within land inset from the Green Belt. No objections had been raised from the Council's Tree Officer with regard to the loss of trees and landscaping conditions would secure additional planting. A Landscape and Ecological Management Plan was included at condition 29 which would restrict development of any kind within the Green Belt. Landscaping details would also be secured for the whole site.

The Committee accepted that conditions were in place to ensure the terraced houses had obscure glazed windows but the issue of lack of light was not addressed for York Cottage given that they would be looking at a fairly blank brick wall apart from one small window. The Committee discussed the Lovelace Neighbourhood Plan which they noted had been adopted by the Council, carried full weight in their discussions and had been given due consideration by the planning officers. The Lovelace Neighbourhood Plan required more parking spaces for such an application, however, the sustainable location of the proposed scheme meant that planning officers undertook a balancing exercise in accepting that the parking provision was adequate.

The planning officer, Jo Trask confirmed that the previous use onsite was a petrol forecourt that ran tight to the boundary with York Cottage. The proposed residential development did not extend as far. It was accepted that there would be an impact on residential amenity, but it was to a lesser extent that did not warrant refusal of the scheme.

The Committee agreed that the proposed development by virtue of its failure to provide any retail or service uses was contrary to the requirements of policy A44 as cited in the Local Plan. This was needed to ensure continued services and facilities in the District Centre. The parking provision also fell below the maximum parking standards and the Committee was concerned regarding the lack of visitor parking provision which would create overspill parking in the adjoining roads.

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

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Ramsey Nagaty	X		
2	Cllr Maddy Redpath	X		
3	Cllr Pauline Searle	X		
4	Cllr Paul Spooner			X
5	Cllr Angela Gunning	X		
6	Cllr Jon Askew	X		
7	Cllr Ruth Brothwell	X		
8	Cllr Colin Cross	X		
9	Cllr Will Salmon	X		
10	Cllr Chris Barrass	X		
11	Cllr Liz Hogger	X		
12	Cllr Deborah Seabrook	X		
13	Cllr Fiona White			X
	<b>TOTALS</b>	<b>11</b>	<b>0</b>	<b>2</b>

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

RESOLVED to refuse application 20/P/01057 for the following reasons:

1. The proposed development fails to provide any retail or service uses as required by site allocation policy A44, this would fail to provide liveliness and would reduce opportunities for connections with services and facilities in this part of the district centre. This would be contrary to policies A44 and E8 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and the National Planning Policy Framework (2021).

2. The proposed development would fail to meet the maximum parking standards and would have inadequate visitor parking, any overspill car parking onto the surrounding roads which already experience parking congestion would have a harmful impact on the amenity and environment of the district centre of Ripley. This would be contrary to policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy LNPI4 of the Lovelace Neighbourhood Plan (2019 - 2034) and the National Planning Policy Framework (2021).

3. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This may include, but is not limited to the following:

- a contribution towards early years, primary years and secondary years education infrastructure;
- a contribution of £6,000 towards the speed management plan for the High Street;
- a contribution of £30,000 to improve the junction of Newark Lane and Ripley Lane;
- a contribution towards playing fields/youth;
- a contribution towards playspace;
- a contribution towards amenity/Natural open space;
- 7 shared ownership affordable housing units on site (plots 1, 16-21)
- SANG to be privately secured;
- a contribution towards SAMM. Accordingly, the proposal would be contrary policy LNP11, LNPI3, LNPI5, LNPI6, LNPH2 of the of the Lovelace Neighbourhood Plan (2019 – 2034), policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the National Planning Policy Framework (2021).

4. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely

significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policy P5 of the Guildford Borough Local Plan: Strategy and Sites 2019 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

1. This decision relates expressly to drawing(s):

Drawing Title	Dwg. Ref (As Submitted)	Dwg Ref. (As Amended) 26.5.21
Location Plan	1366/PLN/200	
Site Layout Plan	1366/PLN/201	1366/PLN/201
Rev A Plots 1-3 Plans and Elevations	1366/PLN/202	1366/PLN/202 Rev A
Plot 4 Plans and Elevations	1366/PLN/203	
Plots 5-6 Plans and Elevations	1366/PLN/204	
Plot 7-8 Plans and Elevations	1366/PLN/205	1366/PLN/205 Rev A
Plots 9-10 Plans and Elevations	1366/PLN/206	
Plot 11 Plans and Elevations	1366/PLN/207	1366/PLN/207 Rev A
Plot 12 Plans and Elevations	1366/PLN/208	1366/PLN/208 Rev A
Plot 13 Plans and Elevations	1366/PLN/209	
Plot 14 Plans and Elevations	1366/PLN/210	
Plot 15 Plans and Elevations	1366/PLN/211	
Plots 16-23 Plans (renumbered as Plots 16-21)	1366/PLN/212	1366/PLN/212 Rev A
Plots 16-23 Elevations (renumbered as Plots 16-21)	1366/PLN/213	1366/PLN/213 Rev A
Plot 24 Plans and Elevations (renumbered as Plot 22)	1366/PLN/214	1366/PLN/214 Rev A
Plot 25 Plans and Elevations (renumbered as Plot 23)	1366/PLN/215	1366/PLN/215 Rev A
Plots 26-27 Plans and Elevations (renumbered as	1366/PLN/216	1366/PLN/216 Rev A

Plots 24 and 25)		
Plot 28 Plans and Elevations (renumbered as Plot 26)	1366/PLN/217	1366/PLN/217 Rev A
Site Sections	1366/PLN/218	1366/PLN/218 Rev A
Indicative Street Scene, Proposed View	1 1366/PLN/219	
Block Plan	1366/PLN/220	1366/PLN/220 Rev A
Demolition Plan	1366/PLN/221	
Car Barns, Plans and Elevations	1366/PLN/222	1366/PLN/222 Rev A

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
  - 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 the council worked with the applicant to overcome concerns and amended plans and onsite affordable housing were provided, however, these alterations would not overcome concerns that were raised in relation to the lack of any retail and service uses and the provision of car parking.

**PL8 20/P/01058 - WHITE HORSE YARD, HIGH STREET, RIPLEY, GU23 6BB**

The Committee considered the above-mentioned Listed Building Consent application for the partial demolition of the existing wall to enable the erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings.

The Committee received a presentation from the planning officer, Jo Trask. The Committee noted that the application site was allocated under Policy A44, and the majority of the site had been inset from the Green Belt. The outline application was allowed at appeal and included the demolition of the same section of the listed wall as proposed under this current listed building application. The partial demolition of the wall would result in some harm to the heritage assets. However the public benefits afforded by the provision of 26 dwellings and removal of the existing structures onsite were perceived to outweigh that harm. The Committee noted a condition did apply that the partial demolition of the wall could not be implemented until planning permission was granted that delivered a housing scheme onsite.

The Inspector at the appeal granted the acceptability of creating an opening through the existing wall and considered it less than substantial harm when weighed against the benefits of redeveloping the site. The application was therefore recommended for approval.

The Committee considered the application and agreed that given there was a condition that ensured the partial demolition of the wall could not be carried out until a housing scheme was delivered onsite, the proposal should be approved.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cllr Deborah Seabrook	X		
2	Cllr Colin Cross	X		
3	Cllr Angela Gunning	X		
4	Cllr Ruth Brothwell	X		
5	Cllr Ramsey Nagaty	X		
6	Cllr Jon Askew	X		
7	Cllr Paul Spooner	X		
8	Cllr Will Salmon	X		
9	Cllr Maddy Redpath	X		
10	Cllr Chris Barrass	X		
11	Cllr Pauline Searle	X		
12	Cllr Liz Hogger	X		
13	Cllr Fiona White	X		
	<b>TOTALS</b>	<b>13</b>	<b>0</b>	<b>0</b>

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

RESOLVED to approve application 20/P/01058 subject to the conditions and reasons as detailed in the report.

**PL9 21/P/02296 - 1 AND 2 ASH GROVE, GUILDFORD, GU2 8UT**

Owing to the late hour, the Committee agreed to defer the above application to a specially convened Planning Committee meeting scheduled on 13 April 2022.

**PL10 21/P/02643 - TRETOWER HOUSE, MERROW STREET, GUILDFORD, GU4 7AT**

Owing to the late hour, the Committee agreed to defer the above application to a specially convened Planning Committee meeting scheduled on 13 April 2022.

**PL11 PLANNING APPEAL DECISIONS**

The Committee noted and discussed the planning appeals.

The meeting finished at 10.30 pm

Signed .....

Chairman

Date .....

