

## PLANNING COMMITTEE

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

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

\*Present

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

Apologies for absence were received from the following councillors:

Councillor Lizzie Griffiths with Councillor Gillian Harwood in attendance as substitute, Councillor Pat Oven with Councillor Jason Fenwick in attendance as substitute, Councillor Richard Mills with Councillor Bob Hughes in attendance as substitute and Councillor James Jones with Councillor Jane Tyson in attendance as substitute.

The following councillors gave their apologies with no substitute in attendance: Councillors Yves de Contades, Howard Smith and Cait Taylor.

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

There were no disclosures of interest.

### **PL3 MINUTES**

The minutes of the Planning Committee meeting held on 19 June 2024 were agreed and signed by the Chairperson as a true and accurate record.

**PL4 ANNOUNCEMENTS**

The Committee noted the Chairperson's announcements.

**PL5 24/P/00313 - 68 APPLGARTH AVENUE, GUILDFORD, GU2 8LT**

The Committee considered the above-mentioned full application for change of use from an existing dwelling house under C3 to a 7-bedroom HMO.

The Joint Assistant Director for Planning, Claire Upton-Brown clarified that Councillor Howard Smith had not referred this application to the Committee, but rather she had referred it, owing to the interest and discussion surrounding HMOs at the Council.

The Committee received a presentation from the Senior Planning Officer, Katie Williams. This application was one of four similar applications on the agenda for consideration. The site was located within the urban area of Guildford and was also within the buffer zone of the TBHSPA. It was on the eastern side of Applegarth Avenue and was surrounded by predominantly two storey semi-detached dwellings of varying sizes, several of which had benefitted from extensions. There were also some two storey blocks of flats amongst the dwellings. The property in this case had been previously extended by way of an extension and granted planning permission in 2004 and was previously a five-bed dwelling. The ground floor had been converted to provide two additional bedrooms. The proposed plan showed that four cars can be parked to the front of the property. The County Highway Authority had requested that the existing dropped kerb be widened to enable vehicles to be able to manoeuvre more easily in and out of the driveway. No details had been provided about the bin or bike stores but there was sufficient space to the front and within the rear garden of the property for this to be provided until details could be secured by condition.

The Committee noted a map of all the properties within Applegarth Avenue and adjacent roads which had been granted or were pending an HMO licence. A licence was only required for HMOs of five bedrooms or more. The map did not show smaller HMO's which for up to four bedrooms, did not require an HMO licence. More detailed figures on the number of HMOs in adjacent roads were provided on page 48 of the agenda. There was a total of 197 dwellings in Applegarth Avenue, with x27 existing or pending licensed HMOs which equated to 14% of the dwellings within the road. Taking into account the current applications for HMO's in Applegarth Avenue in combination with pending applications, if approved, would result in 30 HMO's which equated to 15% of the

dwelling within Applegarth Avenue. It was also noted that the application property could be used as a six-bedroom HMO, under permitted development rights, without the requirement for planning permission.

The Committee noted the plans and the proposed five bedrooms to be provided at first floor level. The bedroom sizes complied with the nationally described space standards. In addition, a communal kitchen, dining and living room would be provided. The garage door on the front was to be replaced with a window and some window alterations to the rear.

In conclusion, the property had benefitted from previous extensions and a 7-bedroom HMO could be provided. Whilst there was a requirement for widening the existing dropped kerb, this would not be out of character with surrounding properties. It was considered that the site would largely retain its existing character as a family dwelling. The number and distribution of existing HMOs already along Applegarth Avenue and the surrounding roads had been carefully considered, however, it was concluded that subject to the recommended conditions, the proposal for the change of use to a 7 bedroom HMO would not adversely affect the balance of housing types within the road or the character of the immediate locality and would not have a detrimental impact on neighbouring amenity. The proposal would therefore accord with Policy H1 of the Local Plan Strategy and sites and policy H5 of the Local Plan Development Management policies. A legal agreement was required to secure the necessary SANG and SAMM contributions in order to mitigate the impact of the proposal on the TBHSPA. The application was therefore recommended for approval subject to the legal agreement and associated conditions.

The Chairperson, Councillor King agreed to permit Councillor Howard Smith to speak in his capacity as ward councillor for this application. He was therefore not a part of the Committee, gave his speech and left the room for the duration of the debate and decision made.

The Committee noted concerns raised by Councillor Smith that the application was located in a residential area that consisted mainly of three bed houses and flats. There were 27 HMOs in this one avenue plus two pending applications and represented too many HMOs in one neighbourhood. It was the number one issue which was raised by local residents in Applegarth Avenue. It was a close-knit community and residents were tired of seeing 3 bed homes going up for sale, being bought by developers and being turned into 7 bedrooms and then subsequently losing their community. The proposal would have a significant impact on the character of the immediate locality.

The Committee discussed the application and noted a query raised whether the proposal would reduce the number of affordable homes. It was confirmed by planning officers that the site had not been previously designated for affordable homes. It was also queried what was the definition of too many HMO's, given there were already a number of HMOs in the immediate area.

The Joint Assistant Director for Planning, Claire Upton-Brown confirmed that the policy was subjective. If members were minded not to support the recommendation, then it would need to be demonstrated what harm was being caused to the character of the neighbourhood. In a number of UK cities, HMOs are a real problem. The following Councils such as Southampton, Portsmouth, Oxford and Brighton all had a trigger point of 70%.

The Committee noted comments made that this area of Guildford had a higher percentage of affordable homes than other areas. It was also a fact that Guildford had a shortage of three-bedroom affordable homes. There was also a dilemma, owing to the fact that some people had to live in HMO's because they could not afford to live in a whole house either by renting or buying one. It was concerning to note that properties with 6 beds or less did not require an HMO licence but yet could still be having an impact on the surrounding community but that this was not measured owing to the lack of a requirement for a licence. HMOs was being discussed by the Overview and Scrutiny Committee shortly, it was queried whether the application could be deferred to await the outcome of those discussions. The Joint Assistant Director for Planning, Claire Upton-Brown confirmed that the Overview and Scrutiny Committee would be looking at whether there was a case for additional licensing, which officers had advised there was not a case. In addition, whether there was a case to use Article 4 Directions to remove PD Rights, which officers had advised against.

The Committee noted further comments of support noting that the proposal represented a good scheme providing rental properties to the market and failed to be able to identify a reason to refuse the application.

Further comments of concern were noted regarding the removal of family homes from the housing market which was overly in favour of HMOs in a specific area, such as Park Barn, which has been badly served by the Council overall. It was queried whether there was any link between the four applications for consideration on the agenda and that the proposal was therefore not considered acceptable.

The Joint Assistant Director for Planning, Claire Upton-Brown confirmed that in response to questions regarding links between applications, this was not a material planning consideration. The key considerations were the number of applications within the area and whether that would have any further impact on its character. Planning officers were only able to identify the HMOs that were licensed so to assist the Committee in assessing whether or not this additional HMO would begin to alter the character of the area and the balance of housing types where policy H1 was most relevant.

The Committee noted that the complaints received regarding HMO's were subjective and had to be assessed against the policies we had on the grounds of changing the character of the area. It was considered that the percentage of HMO's cited at 16.5% was relatively low in comparison to 70% which was the trigger in the cities referenced previously.

The HMO's also provided homes to students who needed accommodation which was compliant with health and safety standards.

The Committee noted that corrections should be noted to page 44 of the report where the County Highway Authority referred to conditions 1 and 2 and should in fact read conditions 3 and 4. Condition 3 should be amended to make reference to the requirement that the parking provision had to have hardstanding made of permeable materials with a minimum of three parking spaces. Lastly, condition 8 needed to be updated to ensure that the bin storage was made suitable so that it was not located on the street, by the house or neighbour's fence.

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

RECORDED VOTE LIST				
		FOR	AGAINST	ABSTAIN
1	Jason Fenwick	X		
2	Dominique Williams	X		
3	Gillian Harwood	X		
4	Bob Hughes		X	
5	Joanne Shaw	X		
6	Maddy Redpath	X		
7	David Bilbé	X		
8	Stephen Hives	X		
9	Vanessa King	X		
10	Joss Bigmore	X		
11	Bilal Akhtar	X		
12	Jane Tyson	X		
	<b>TOTALS</b>	<b>11</b>	<b>1</b>	<b>1</b>

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

RESOLVED to approve application 24/P/00313 subject to the amended conditions as detailed above and:

(i) That a S106 Agreement be entered into to secure the provision of:

- SANG and SAMM Contributions in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area.

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

**PL6      24/P/00465 - 189 APPLGARTH AVENUE, GUILDFORD, GU2 8LT**

The Committee considered the above-mentioned full application for change of use of property from a residential dwelling (C3) to a 7-bedroom HMO (sui generis).

The Joint Assistant Director for Planning, Claire Upton-Brown clarified that Councillor Howard Smith had not referred this application to the Committee, but

rather she had referred it, owing to the interest and discussion surrounding HMOs at the Council.

The Committee received a presentation from the Senior Planning Officer, Katie Williams. The Committee noted that the application site was located towards the northern end of Applegarth Avenue. It related to the righthandside of a pair of semi-detached dwellings. The property was currently undergoing refurbishment and internal reconfiguration to create 7 bedrooms, each with its own private bathroom, communal kitchen and living area. The property had existing capacity for two parking spaces, however, the County Highway Authority had said that they consider there should be three parking spaces. They had therefore requested that the driveway was widened as well as the vehicle crossover which could be secured by condition as can the bicycle and bin storage. Three bedrooms were provided on the ground floor and four bedrooms on the first floor. The bedroom sizes would comply with the National Space Standards.

In conclusion, it was the planning officer's view that the proposed 7-bedroom HMO could be provided without further additions to the property. Whilst there was a requirement to widen the driveway, this would not adversely affect the character of the area. The proposal would also comply with Local Plan policies H1 and H5. Subject to the legal agreement and conditions as set out, the application was recommended for approval.

The Chairperson, Councillor King agreed to permit Councillor Howard Smith to speak in his capacity as ward councillor for this application. He was therefore not a part of the Committee, gave his speech and left the room for the duration of the debate and decision made.

The Committee noted the concerns raised by Councillor Smith who stated that the character of an area was subjective and depended on how you defined it; was it by the shape of buildings, its amenities, or the community cohesion. Most of the HMO's were located in a particular area and therefore the 15% figure given regarding the concentration of HMO's was not entirely reflective of the overall situation. Was supportive of a couple of HMO's but not the large numbers in Applegarth Avenue proposed which will inevitably affect its character. It was incumbent upon the university to provide more housing so that these three-bedroom properties were available for more families. It was noted that in the Strategic Housing Market Assessment (SHMA) it was stated that there was a need for 10%, 1 bedroom and 40%, 3-bedroom market homes in Guildford. This should be taken into consideration so that local residents are not priced out of the market.

The Committee discussed the application and noted comments that HMO's also provided opportunities for people to have a room when they could not afford 2-3-bedroom homes. It was noted that in 2022, there was change of use application to the same property from C4 to 7-bedroom property that was refused. The reasons for refusal related to the fact that the proposed bike shed would have been too close to the bedroom window. Conditions had been applied to overcome these previous reasons for refusal. It was also noted that HMOs were already included in the SHMAA calculations and was important to note that the 7-bedrooms were not counted as 7 individual HMO's but one HMO.

The Committee noted that the requirement for three parking spaces to be made would necessitate the removal of the existing shrubs. Therefore, the Committee agreed that it should be conditioned that the driveway was constructed of a permeable surface. It was also confirmed that the applicant in this case had provided sufficient detail with regard to the storage of bicycles and bins and therefore condition 8 was sufficient.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Joanne Shaw	X		
2	Gillian Harwood	X		
3	Maddy Redpath	X		
4	Stephen Hives	X		
5	Jason Fenwick	X		
6	Jane Tyson	X		
7	Joss Bigmore	X		
8	Bilal Akhtar	X		
9	Dominique Williams	X		
10	Bob Hughes		X	
11	Vanessa King	X		
12	David Bilbé	X		
	<b>TOTALS</b>	<b>11</b>	<b>1</b>	<b>0</b>

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

RESOLVED to approve application 24/P/00465 subject to the amended condition in relation to ensuring the driveway was constructed of a permeable surface as detailed above and:

(i) That a S106 Agreement be entered into to secure the provision of:

- SANG and SAMM Contributions in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area.

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

**PL7 24/P/00471 - 137 APPLGARTH AVENUE, GUILDFORD, GU2 8LT**

The Committee considered the above-mentioned full application for change of use from an existing dwelling house (Use Class C3) to a 7-bedroom house in multiple occupation (HMO) (Sui Generis).

The Joint Assistant Director for Planning, Claire Upton-Brown clarified that Councillor Howard Smith had not referred this application to the Committee, but rather she had referred it, owing to the interest and discussion surrounding HMOs at the Council.

The Committee received a presentation from the Senior Planning Officer, Katie Williams. The Committee noted that the site was located in the urban area of Guildford and consisted of a pair of semi-detached dwellings on the western side of Applegarth Avenue. The property had the benefit of planning permission for extensions which had been constructed to create a 7-bedroom dwelling. Three parking spaces would be retained however the County Highway Authority was concerned that there was insufficient space for three vehicles and required a condition for the applicant to demonstrate how this was to be achieved. In addition, a condition was recommended to secure the details of bin and cycle storage. Two bedrooms were proposed on the ground floor with five bedrooms on the first floor.

In conclusion, the proposed HMO could be provided without any further changes or extensions to the property. There was a requirement to widen the driveway that could be secured by condition. It was considered by planning officers that the proposed HMO would not have an adverse impact on the character or effect the balance of housing types in the area. The application was therefore recommended for approval, subject to the conditions as detailed in the report.

The Chairperson, Councillor King agreed to permit Councillor Howard Smith to speak in his capacity as ward councillor for this application. He was therefore not a part of the Committee, gave his speech and left the room for the duration of the debate and decision made.

The Committee noted concerns raised by Councillor Smith that a more prescriptive policy was required to help manage the number of HMOs permitted in any one area. Worplesdon Parish Council had also submitted concerns regarding the scenario in Applegarth Avenue which was welcomed. If family

homes were lost in the long term, then this would have an effect upon local schools and their viability moving forward.

The Committee discussed the application and noted that the same amendments needed to be made to the conditions in relation to parking, to ensure that the driveway was made of a permeable surface.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Dominique Williams	X		
2	Maddy Redpath	X		
3	Bob Hughes		X	
4	Gillian Harwood	X		
5	Jason Fenwick	X		
6	Joss Bigmore	X		
7	Joanne Shaw	X		
8	Bilal Akhtar	X		
9	Jane Tyson	X		
10	Stephen Hives	X		
11	Vanessa King	X		
12	David Bilbé	X		
	<b>TOTALS</b>	<b>11</b>	<b>1</b>	<b>0</b>

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

RESOLVED to approve application 24/P/00471 subject to the amended condition in relation to ensuring the driveway was constructed of a permeable surface as detailed above and:

- (i) That a S106 Agreement be entered into to secure the provision of:
  - SANG and SAMM Contributions in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area.
- (ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

**PL8      24/P/00472 - 129 APPLGARTH AVENUE, GUILDFORD, GU2 8LT**

The Committee considered the above-mentioned full application for change of use from an existing dwelling house (Use Class C3) to a 7-bedroom house in multiple occupation (HMO) (Sui Generis).

The Joint Assistant Director for Planning, Claire Upton-Brown clarified that Councillor Howard Smith had not referred this application to the Committee, but rather she had referred it, owing to the interest and discussion surrounding HMOs at the Council.

The Committee received a presentation from the Senior Planning Officer, Katie Williams. This site was part of a pair of semi-detached dwellings with a footpath running alongside the property. It was also located in the urban area of Guildford. The County Highway Authority had requested that three parking spaces were provided, details to be secured by condition as well as bin and bicycle storage. The property had two bedrooms on the ground floor with communal space and a kitchen with five bedrooms upstairs.

It was the planning officer's view in conclusion that the proposal would not adversely effect the character of the area or balance of house types. The application was therefore recommended for approval subject to the S106 Agreement and associated conditions.

The Chairperson invited the ward councillor Howard Smith to speak but he declined.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Joss Bigmore	X		
3	Jason Fenwick	X		
3	Vanessa King	X		
4	Dominique Williams	X		
5	Gillian Harwood	X		
6	Bob Hughes		X	
7	Bilal Akhtar	X		
8	Joanne Shaw	X		
9	Jane Tyson	X		
10	David Bilbé	X		
11	Stephen Hives	X		
	<b>TOTALS</b>	<b>11</b>	<b>1</b>	<b>0</b>

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

RESOLVED to approve application 24/P/00472 subject to the amended condition in relation to ensuring the driveway was constructed of a permeable surface and:

- (i) That a S106 Agreement be entered into to secure the provision of:
  - SANG and SAMM Contributions in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area.
- (ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.
- (iii)

#### **PL9 PLANNING APPEAL DECISIONS**

The Committee discussed and noted the appeal decisions specifically that Ockham Parish Council had launched a judicial review in relation to the recently granted appeal for the Wisley development.

The meeting finished at 9.00 pm

Signed .....

Date .....

Chairman