

PLANNING COMMITTEE

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

- | | |
|--------------------------------|-----------------------------|
| * Councillor Jon Askew | * Councillor Liz Hogger |
| Councillor Christopher Barrass | * Councillor Marsha Moseley |
| * Councillor Chris Blow | * Councillor Ramsey Nagaty |
| Councillor Ruth Brothwell | * Councillor Maddy Redpath |
| * Councillor Graham Eyre | * Councillor Pauline Searle |
| Councillor Angela Goodwin | Councillor Paul Spooner |
| * Councillor Angela Gunning | |

*Present

Councillor Tony Rooth was also in attendance online and Councillor Catherine Young in person.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Jon Askew, Chris Barrass, Ruth Brothwell, Angela Goodwin and Paul Spooner. Councillors Will Salmon, Deborah Seabrook, Bob McShee and Cait Taylor attended as substitutes for the above members respectively. There was no substitute in attendance for Councillor Spooner.

PL2 ELECTION OF VICE-CHAIRMAN

The Committee elected Councillor Colin Cross as the Vice-Chairman of the Planning Committee.

PL3 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

21/P/02333 – Land south and east of The Cathedral Church of the Holy Spirit, Stag Hill, The Chase, Guildford, GU2 7UP

Councillor Marsha Moseley declared a non-pecuniary interest in the above application as she was a life friend of the Cathedral. This would not preclude her from the debate and decision made as she would consider the application with an open mind.

Councillor Will Salmon declared a non-pecuniary interest in the above application. He noted that he had attended the public consultations held as well as the Councillor briefings. The application had generated a lot of media publicity. Councillor Salmon confirmed that this would not preclude him from the debate and decision made as he would consider the application with an open mind.

PL4

MINU

The minutes of the last Planning Committee meeting held on Wednesday 1 March 2023, attached as part of the supplementary late sheets, were approved by the Committee and signed by the Chairman.

PL5 ANNOUNCEMENTS

The Committee noted the Chairman's announcements.

PL6 23/P/00003 - 6 ORCHARD GARDENS, EFFINGHAM, LEATHERHEAD, KT24 5NR

The Committee considered the above mentioned full application for erection of part single/part two storey front extension with conversion of garage to habitable accommodation, new front porch and single storey side extension.

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

- Mr David King (to object) (spoke once to applications 23/P/00003 and 23/P/00007)

The Committee received a presentation from the Senior Planning Officer, Kelly Jethwa. The Committee noted that the site was inset from the Green Belt. The existing two storey detached house had an integrated garage. The proposal would comprise a two-storey extension to the front of the house and a wrap around single storey extension with a porch and would extend along the shared boundaries of the property. The houses in the streetscene had a variety of designs and styles with no uniformity in appearance. The front gable was an existing feature of the streetscene, as seen at number 5 Orchard Gardens. There were no side facing windows on number 5 that would be affected at the first-floor level from the extension. The existing driveway would also be retained for parking.

There was an existing lean to along the boundary which would be more formalised by the development. The shared boundary with number 7 Orchard

Road had an existing garage right up to the boundary line. Again, there were no windows on the flank elevation of the adjoining property which would be affected. The proposal would comply with the policies in the development plan and would not result in an adverse effect on the character of the area or have a harmful impact on neighbouring amenities. The application was therefore recommended for approval subject to conditions and the amendments as detailed in the supplementary late sheets.

In relation to comments made by the public speaker, the Senior Planning Officer, Kelly Jethwa confirmed that in relation to rainwater discharge and guttering, the development needed to be wholly constructed within the application site. In relation to comments that the proposal would set a precedent, the Committee was reminded that it must consider each application on its own merits against the development plan.

The Committee considered the application and noted that the site itself was fairly narrow compared with other properties on the road. The Committee noted concerns raised about the extension to the boundary on both sides of the building. All of the other houses in the cul-de-sac were detached and of varied design but none of them totally filled the site from side to side. The front elevation was particularly prominent and not a side extension that was set back. The Committee considered concerns that the proposal represented a form of overdevelopment which was cramped and out of character with the streetscene. In addition, parking was limited given it would now only have two parking spaces for a four-bedroom property. This was in contradiction to the Effingham Neighbourhood Plan which stated that there should be three parking spaces owing to preventing parking on the main road. The newly adopted development management policy ID10 specifically stated that the parking standards adopted in neighbourhood plans would take precedence over standards set by the local planning authority. Effingham was noted to be an area reliant upon the car given that the public transport network was poor.

The Committee noted concerns raised regarding the lack of guttering proposed and whether anything could be done to alleviate that issue owing to the risk of excess water flooding into neighbouring properties.

The Committee received clarification on questions raised by Councillors from Gemma Fitzpatrick, Development Management Lead, that in relation to guttering, there were a variety of ways that rainwater collection could be dealt with in building design and was a matter for building control under the Building Regulations. The lack of guttering was therefore not a reason to object on

planning grounds. The relevant planning consideration was that the development took place within the ownership of the red line identified on the application form. In relation to the parking standards, it was confirmed that the four-bedroom dwelling would require three parking spaces to be provided. The standards were there to protect the amenity of the area, however, because the road was, in the planning officer's view, not experiencing a high level of parking congestion there would not be a material harm from parking on the street and there would continue to be parking provision on the driveway.

The Committee noted that the parking situation could not be adequately assessed from one visit. The local Rugby Club was located nearby and the road was very congested with parking on Sundays. The planning officers suggested that it would not be unreasonable to add a condition that required the applicant to provide additional parking at the front of the property.

The Committee queried what the volume was of the extensions permitted on this property to date and how much of an increase that amounted to. Planning officers confirmed that the previous extensions had been granted via permitted development rights. In terms of volume calculations, officers would need to look at the details of the certificate of lawfulness.

Owing to the concerns raised regarding the application, the Chairman asked if there was a Committee member who wished to propose an alternative motion to the officer proposal which was to approve the application. The Committee member needed to specify the harm the proposed development would cause and if possible state the appropriate planning policies as the basis for the reasons for refusal.

A motion was moved by Councillor Liz Hogger and seconded by Councillor Graham Eyre to refuse the application for the following reasons, which was carried:

Reason 1 – Over-Development and Out of Character

The proposed development, by virtue of its inappropriate design and overdevelopment of the plot, would be out of character and detrimental to the street scene. The proposal therefore fails to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019), Policies H4(1)(a), D4(1)(a), D4(3)(c) of the Guildford Borough Local Plan: Development Management Policies Adopted on 22 March 2023 and Policy ENP-G2(3) of the Effingham Neighbourhood Plan 2016-2030.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Will Salmon	X		
2	Chris Blow	X		
3	Ramsey Nagaty	X		
4	Fiona White			X
5	Cait Taylor	X		
6	Bob McShee	X		
7	Pauline Searle	X		
8	Deborah Seabrook	X		
9	Liz Hogger	X		
10	Maddy Redpath	X		
11	Marsha Moseley	X		
12	Colin Cross	X		
13	Angela Gunning	X		
14	Graham Eyre	X		
	TOTALS	13	0	1

Reason 2 – Parking

The proposed development, by virtue of the lack of provision for three car parking spaces, fails to comply with Policy ID10 of the Guildford Borough Local Plan: Development Management Policies Adopted on 22 March 2023 and Policy ENP-R1 of the Effingham Neighbourhood Plan 2016-2030, to safeguard against parking off the site.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Deborah Seabrook		X	
2	Fiona White			X
3	Maddy Redpath	X		
4	Liz Hogger	X		
5	Ramsey Nagaty	X		
6	Pauline Searle	X		
7	Angela Gunning	X		
8	Cait Taylor	X		
9	Marsha Moseley	X		
10	Colin Cross	X		
11	Will Salmon	X		
12	Graham Eyre	X		
13	Chris Blow	X		
14	Bob McShee	X		
	TOTALS	12	1	1

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Deborah Seabrook	X		
2	Angela Gunning	X		
3	Pauline Searle	X		
4	Maddy Redpath	X		
5	Bob McShee	X		
6	Ramsey Nagaty	X		
7	Will Salmon	X		
8	Cait Taylor	X		
9	Chris Blow	X		
10	Fiona White	X		
11	Graham Eyre	X		
12	Marsha Moseley	X		
13	Liz Hogger	X		
14	Colin Cross	X		
	TOTALS	14	0	0

RESOLVED to refuse application 23/P/00003 for the reasons as detailed above.

PL7 23/P/00007 - 6 ORCHARD GARDENS, EFFINGHAM, LEATHERHEAD, KT24 5NR

The Committee considered the above-mentioned full application for proposed single storey front extension with new front porch and garage conversion to habitable accommodation including single storey side extension; single storey side extension to south-east elevation (Amended plan received on 07/03/2023 omitting the first floor front element from the proposed side (north-west elevation)).

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

- Mr David King (to object) (spoke once to applications 23/P/00003 and 23/P/00007)

The Committee received a presentation from the Senior Planning Officer, Kelly Jethwa. The Committee noted that there would be small area of flat roof which

was not visually prominent due to the hipped roof design around the single storey and side extensions. The footprint of the dwelling would increase as well as creating a small projection forward of the adjoining dwelling which would follow the common building line and was not perceived as unduly prominent. The existing garage on the property projected forward of the building line. Similar variations along the street frontage could be seen. The existing lean to was proposed to be removed, replaced and enclosed. A new lean to would also be created along the side boundary with the garage and neighbouring property, number 7.

Planning officers considered that the proposal would comply with policies in the development plan and would not result in an adverse impact on the character of the streetscene or have a harmful impact on neighbouring amenity. The application was therefore recommended for approval, subject to conditions and the updates as detailed on the supplementary late sheets.

The Committee considered the application and noted a slight improvement in that the right-hand extension was located further back. There were concerns still however that the proposal completely filled the site and represented a form of over-development, cramped and out of character with the street scene. The parking provision was also reduced and contrary to Effingham Neighbourhood Plan's Policy ID10.

Owing to the concerns raised regarding the application, the Chairman asked if there was a Committee member who wished to propose an alternative motion to the officer proposal, to approve the application. The Committee member needed to specify the harm the proposed development would cause and if possible state the appropriate planning policies as the basis for the reasons for refusal.

A motion was moved by Councillor Liz Hogger and seconded by Councillor Chris Blow to refuse the application for the following reasons, which was carried (as per the reasons voted for in application 23/P/00003):

Reason 1 – Over-Development and Out of Character

The proposed development, by virtue of its inappropriate design and overdevelopment of the plot, would be out of character and detrimental to the street scene. The proposal therefore fails to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019), Policies H4(1)(a), D4(1)(a), D4(3)(c) of the Guildford Borough Local Plan: Development Management Policies Adopted on 22 March 2023 and Policy ENP-G2(3) of the Effingham Neighbourhood Plan 2016-2030.

Reason 2 – Parking

The proposed development, by virtue of the lack of provision for three car parking spaces, fails to comply with Policy ID10 of the Guildford Borough Local Plan: Development Management Policies Adopted on 22 March 2023 and Policy ENP-R1 of the Effingham Neighbourhood Plan 2016-2030, to safeguard against parking off the site.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Maddy Redpath	X		
3	Angela Gunning	X		
4	Graham Eyre	X		
5	Deborah Seabrook	X		
6	Will Salmon	X		
7	Chris Blow	X		
8	Marsha Moseley	X		
9	Bob McShee	X		
10	Ramsey Nagaty	X		
11	Colin Cross	X		
12	Cait Taylor	X		
13	Pauline Searle	X		
14	Liz Hogger	X		
	TOTALS	14	0	0

RESOLVED to refuse application 23/P/00007 for the reasons as detailed above.

PL8 21/P/02333 - LAND SOUTH AND EAST OF THE CATHEDRAL CHURCH OF THE HOLY SPIRIT, STAG HILL, THE CHASE, GUILDFORD, GU2 7UP

The Committee considered the above-mentioned full application for demolition of existing Cathedral Close dwellings and erection 124 no. residential units (including affordable housing) with associated engineering works, access, landscaping, parking and ancillary works.

The Committee received a presentation from the Senior Planning Officer, Kelly Jethwa. The Committee noted that the applicant and third parties had submitted their speeches had the item been eligible for public speaking. These had been treated as comments on the application, and any new matters summarised on the supplementary late sheets.

The application site was allocated for the development of approx. 100 homes in the Local Plan. A previous application for the site was refused in 2017 by Linden Homes for 134 homes. The Cathedral appointed a new developer, Vivid Homes, a well known affordable housing provider. Pre-application discussions were entered into with the Council prior to the submission of the application which also involved a Design Review Panel.

The site formed part of the suburban growth of Guildford which had occurred since the Second World War. The town was located to the east and south-east of the site. The Cathedral was a landmark building on a hilltop location with a strong silhouette. The University of Surrey campus was located to the north and east and residential suburban housing to the south. The A3 was located to the west.

The Cathedral was a Grade II star listed building. A western processional route by car was proposed along with a pedestrian route from the south. The site formed part of the former hunting grounds of the Earl of Onslow. From the mid-1930's the Guildford Diocese was created and land begun to be bought for the Cathedral. In the 1960's the land to the north was sold to the University of Surrey. In 1998 land was also sold to a housing developer who built Scholar's Walk in the south-east corner. The land for the Cathedral was bought in 1942 and 1943, funded in part by a very generous donation from Viscount Bennett, the former Finance Minister of Canada. The terms of the gift in any covenant was not a material planning consideration. However, there was an intangible historic link between Viscount Bennett and the Cathedral which contributed to the significance of this heritage asset. A letter had been included provided by the Cathedral in their submission from the Bishop of Viscount in October 1942 when they were seeking donors for the purchase of the land. The recognition of this wartime relationship between the UK and Canada was recorded in a ledger laid in the walls of the Cathedral which was still there today.

The proposal required the demolition of seven existing detached homes currently offered to staff of the Cathedral. The development would comprise of three character areas, the eastern meadow, the eastern slopes and the western parcel. Amended plans were also received in December 2022 which were summarised in

the report. The scheme incorporated on-site renewable energy regeneration. The proposal would also lead to a land receipt that the Cathedral could invest and the endowment would provide an income for the repair and maintenance of the Cathedral in perpetuity.

The proposed buildings would be built into the slope where possible however the flats on the eastern slopes would require engineering to re-profile the land. The apartments would have a subterranean podium level. Land stability and the approaches had been independently assessed and deemed to be acceptable.

The proposal would result in 40 vehicle movements per hour in peak times with most movements going east or west. The access points had been subject of a road safety audit and alternative access from the west through the main route of Stagg Hill would cause greater harm to the heritage asset due to the removal of more trees and the regrading of the ground. The proposal would not have a harmful impact on highway safety and capacity and as a result there was no objection from the County Highway Authority. The impact on the highway would be less than the previous scheme by Linden Homes and there would in addition be a comprehensive package of sustainable transport measures including offsite cycle infrastructure and walking facilities including a new link. There would also be two onsite car club spaces and travel vouchers for each of the new occupants. There was a suitable level of car parking to ensure there was no overspill parking onto surrounding roads.

The proposal would provide a compliant affordable housing scheme and would provide 13 homes for Cathedral staff with a combination of flats and houses with a range of dwelling sizes.

The proposal included a new community orchard to the rear of the western parcel with a woodland walkway through the flats. The existing informal meadow would experience a substantial change by being overlooked by the new houses and private gardens. The homes to the west would also come closer to the processional route. A large number of new trees were proposed to be planted throughout the site including the processional routes to the south and east. The greening enhancements would result in a biodiversity net gain. The landscaping plan identified a number of informal walking routes through the site. Climbing plants would be grown on the buildings to assist with screening and likely incorporate green roof planting. The amended plans had increased the spacing in the eastern meadow. However, this area would experience overlooking and no longer be secluded and allow people to enjoy the amazing view due to the location of the new homes and the terraces facing this space.

The five clergy houses would have raised terraces and whilst they were set back they would still allow views over the meadow area. They would appear as one and a half storey houses with a stepped house design. In the summer the buildings would encroach upon the view and would have a permanent impact. The view of Guildford Castle would also not be appreciated in the same way that it is currently.

The apartment blocks would be located on the eastern slopes with a range of scale of buildings up to three and a half storeys stepped down along the slope. This would introduce a new arrangement of buildings in this suburban setting which whilst acceptable to make the most efficient use of land for this allocation, would also impact upon the character of the area. The engineering required would also need a number of retaining walls to be built. The mass and scale of the tallest blocks had been reduced however there were still a number of projecting balconies. The form and profile of the blocks would not integrate with the local vernacular.

In terms of the relationship with Scholars Walk, the residential development was located to the south-east. The existing vehicular access would become a pedestrian route only with additional tree planting. There was a gap of 20 metres to the shared boundary with changing levels and screening due to the juxtaposition of the buildings which would not result in a material loss of amenity.

The applicant had responded to comments from the Council and the County Council regarding the onsite cycling infrastructure, particularly for the flats. As a result, direct access would be provided with less doors/automated doors where they were required. There would be storage for bikes and E-Bike charging points and visitor cycle parking as well. The scheme had exceeded the requirements in this regard.

The buildings would continue to be visually prominent and would not be relatable particularly in the winter. Whilst the landscaping would mature over time, the mass and scale would detract from the Cathedral.

A balancing exercise has been carried out in accordance with paragraph 202 of the NPPF. Less than substantial harm had been identified to the setting of Guildford Cathedral, Guildford Castle and the lodge buildings to the south which was in the low to medium range. The public benefits had been assessed and weighted accordingly. Substantial weight had been afforded to the affordable housing provision. The endowment from the land receipt for the sale of the plot

of land would not meet the full cost of the repair for the Cathedral for the next five years. It would only meet 23% of the cost, depending on when the income accrued would become available with potential additional funding from another land receipt provided by the development. These public benefits would not outweigh the harm identified, particularly to the setting of the Cathedral. Other harm had also been identified to the outward view of the eastern meadows which was substantial. The impact upon these views and the visually prominent built form of development had been given substantial weight. The benefits of the scheme did not outweigh the heritage harm and other harm identified.

This is a unique and special site in the town and to the community of Guildford. Therefore, any development on this sensitive site for the Cathedral would have to be exemplar. This was to ensure this nationally important site was respected and a scheme delivered that in years to come would form part of the heritage asset for this borough.

The proposal had a number of changes incorporated from pre-application stage to determination so to address the matters raised. However, the proposal would fail to deliver the ten characteristics of a well-designed place, as set out in the National Design Guide and the Development Plan. The application was therefore recommended for refusal for the amended reasons as set out in the supplementary late sheets along with the additional responses.

The Committee discussed the application and noted that improvements had been made to this proposal over the last four years particularly with regard to sustainability and the percentage of affordable housing. It was also considered that some of the aspects of the design and landscaping were sympathetic. However, fundamentally this was not the location for this scheme. The Committee noted concerns raised in relation to the proposed scale, density and height of the buildings that would change the Cathedral which was a significant heritage asset. The site encompassed more than the Cathedral but was part of an open semi-wild space that was appreciated by the whole community. The parkland provided a very special setting with different short and long range views of the Cathedral. It provided a sense of proportion for a building as big as the Cathedral, a lot of which would be lost with the scheme proposed. The application also represented a form of overdevelopment leading to overlooking for the residents of Scholars Walk which was of great concern. The access routes were creating a potential two-tier system that whilst it was noted was not a highway concern was not sympathetic to the community wanting one route for the eastern scheme and another route for the Cathedral houses. It was a heritage asset that must be protected.

The Committee noted that a community orchard had been incorporated into the scheme and questioned the extent to which it would be used. The development also incorporated chimneys and the Committee was interested to know what sort of fuel was proposed to be used in the development. The description of half a storey was also questioned when it actually referred to habitable roofspace.

The planning officers confirmed that the chimneys on the clergy housing proposed were functional chimneys. Whilst the type of fuel to be used was not known a condition was required to specify it.

The Committee noted comments that substantial weight had to be given to the setting of this grade II star listed building in Guilford which was of historic importance. Concern was raised regarding the overall layout of the proposed development, apart from the dwellings to be built for the clergy. The access road was of concern being that only one road in and out of the site was planned and was not suitable. The harm to the setting of the site was obvious and represented a form of overdevelopment.

The Senior Planning Officer, Kelly Jethwa confirmed that the access route proposed was the most preferred by the emergency services and refuse collectors. A second access route was only required when a larger number of dwellings was proposed. In this case, the access route would meet current standards.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Fiona White	X		
2	Chris Blow	X		
3	Graham Eyre	X		
4	Deborah Seabrook	X		
5	Colin Cross	X		
6	Maddy Redpath	X		
7	Marsha Moseley			X
8	Ramsey Nagaty	X		
9	Angela Gunning	X		
10	Cait Taylor	X		
11	Liz Hogger	X		
12	Pauline Searle	X		
13	Will Salmon	X		
14	Bob McShee	X		
	TOTALS	13	0	1

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

RESOLVED to refuse application 21/P/02333 subject to the amended reasons as detailed in the supplementary late sheets and can be viewed here: [21 P 02333-DECISION NOTICE-1789148.pdf \(guildford.gov.uk\)](https://www.guildford.gov.uk/21_P_02333-DECISION_NOTICE-1789148.pdf)

PL9 22/P/00738 - IPSLEY LODGE STABLES, HOGS BACK, SEALE, GUILDFORD, SURREY, GU10 1LA

The Committee considered the above-mentioned full retrospective application for change of use of land for the proposed creation of 4 Gypsy/Traveller pitches, comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 Dayrooms.

The Committee received a presentation from the Senior Planning Officer, Lisa Botha. The Committee noted that it was recommended that a personal and temporary permission be granted subject to a legal agreement to secure the necessary mitigation against the impact of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA). The application had been called to Committee as it had received over 10 letter of objection contrary to the officer's recommendation. The application was deferred by the Planning Committee at its meeting on 1 March 2023, so that a site visit could be carried out to assess the

impact of the proposal on the AONB. The site visit took place on Monday 27 March 2023. The Committee's attention was also drawn to the supplementary late sheets which included some small amendments and an updated policy section which took into account the adoption of the new Local Plan, along with an additional informative and amendments to Informative 1 and Condition 4.

Lastly, a summary of an appeal decision at Pines Green Lane East had been included as it was particularly relevant to the determination of this application. In short, the Inspector considered that despite the Council demonstrating that it had a supply of deliverable sites for five years, when set against the local context, none of the sites were yet available. As such, the occupants of that site, if the appeal had been dismissed were likely to have to resort to a roadside existence or would need to double up on another pitch which would result in issues arising from overcrowding. In relation to Article 8 of the Human Rights Act which establishes a right for the respect for private family life as well as the public sector equality duty under the Equality Act which required a public authority to foster good relations between persons who share a relevant protected characteristic. Article 3 of the United Nations Convention on the Rights of Children was also referenced and required the interests of a child to be a primary consideration. No other consideration must be regarded as more important or given greater weight in the best interests of any child. The Inspector took into account the best interests of the children on the site and this provided the very special circumstances that outweighed the harm to the Green Belt when considering whether to grant temporary planning permission. The Inspector considered that a temporary permission would enable the occupants to either relocate once the pitches were delivered.

The application site was located close to the border with the Green Belt, Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). The site was also located within the 400m to 5km buffer zone of the Thames Basin Heath Special Protection Area (TBHSPA). The site should not be confused with the adjacent site to the south which had until recently shared the same address. The application site is under separate ownership. The site was accessed via the Hog's Back and used an existing access from the southern end of the main part of the site. The nearest residential site to the application was located to the south, the south-west and east with a small number of outbuildings closer to the site. All four pitches would be served via the existing access. Each pitch would have a central access, with landscaping either side with a mobile home, a touring caravan and a dayroom located towards the northern half of the site. Additional planting was proposed as part of the proposal across

the site. The urban area of Tongham was about a 15-minute walk along the pavement. The day rooms would be 5m wide and 3m deep.

The Council had conducted a full balancing exercise and concluded that full planning permission should not be granted. In reaching that conclusion, the Council had regard to the Human Rights and Equality duty on the family's ability to live their traditional way of life as well as the opportunity to access education, health and other services. However, taking into account the personal circumstances of the occupants onsite and taking into consideration the best interests of the children and the likely outcome of the application if it were to be refused, with the families having to resort to roadside living it was considered that a temporary and personal permission should be granted for five years. This time period would allow other sites to be authorised. Therefore, subject to the imposition of conditions, securing a personal and temporary permission and a legal agreement to secure the necessary mitigation against the impact of the proposed development on the Thames Basin Heath Special Protection Area (TBHSPA), the application was recommended for approval.

The Committee discussed the application and noted the public interest in it. The Committee noted concerns raised that it was a retrospective application that was contrary to policies. Whilst planning officers were satisfied with the applicant's personal circumstances, as the decision makers, the Committee also needed to be satisfied and have the evidence before it on pink papers considered in private session.

The Council's Legal Advisor, James Tong was asked to comment who confirmed that with reference to the appeal decision attached to the report in the agenda papers, the primary consideration was the children on the site and that the residents were part of a protected group which needed to be taken into consideration as well.

The Committee was also reminded that the application had already been deferred twice and that in fairness to the applicants a decision needed to be made. The Committee also considered comments that it had sufficient planning information in front of it that enabled it to make a planning decision. The children on the site were currently attending local educational establishments. In this situation, where there are insufficient sites available as of now to meet the existing need. Hopefully there will be sufficient sites in a few years time when the sites in the Local Plan come forward. It was therefore considered that a temporary and personal permission was correct.

The Committee noted a query regarding the temporary and personal permission being recommended for a period of 5 years when in the appeal decision cited the Inspector felt that 3 years was a justifiable amount of time. Why was there a difference? In addition, the Committee was concerned to know the age of the school children and the timing of their requirements for being either at a junior or secondary school.

The Senior Planning Officer, Lisa Botha confirmed that the five year recommendation had been provided in this case by the planning policy team which was in relation to when the Council was expecting sites to become available. In terms of the schools, Lisa had contacted them and confirmed that a lot of the children were approaching school age and others were in attendance at a local nursery. It was also explained that in this particular case, the personal circumstances and the fact that there are children onsite were material considerations. Planning officers had verified this externally and it could therefore be taken into consideration. The Council had a duty towards what was revealed in public about personal circumstances and how much should be made public. People had a right to privacy and planning officers had verified what the applicant had told them. The legal advisor, Angela Watson confirmed that it was discussed whether it was appropriate with these types of applications to go into private session. The Council had to be mindful of the equalities duties and the protected characteristics of the applicant. It was always a fine balance about how much information was provided, fully accepting that the committee members needed to feel they had enough information to make a decision. However, by going into private session denied the applicant and objectors a further right of reply as they were not privy to what was being discussed.

The Committee queried what would happen if the provision of foul and surface water drainage was not implemented within the specified time period.

The Senior Planning Officer, Lisa Botha confirmed that the site would have to cease and the caravan structures removed by enforcement. The surface water drainage systems therefore needed to be implemented within 11 months. Similarly, any breach of condition would be investigated and appropriate enforcement action taken as appropriate.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Colin Cross			X
2	Angela Gunning	X		
3	Marsha Moseley		X	
4	Liz Hogger	X		
5	Bob McShee	X		
6	Will Salmon	X		
7	Cait Taylor	X		
8	Chris Blow	X		
9	Maddy Redpath	X		
10	Graham Eyre		X	
11	Deborah Seabrook	X		
12	Fiona White	X		
13	Pauline Searle	X		
14	Ramsey Nagaty			X
	TOTALS	10	2	2

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

RESOLVED to approve application 22/P/00738 subject to a Section 106 Agreement securing SANG and subject to the following amendments to the conditions as detailed on the supplementary late sheets:

With regard to informative 1:

Omit the word '(either)'

With regard to condition 4:

Within the reason section at the end of the sentence add: and in order to minimise the impact on bats.

Add an additional informative:

With reference to condition 4 and external lighting, it is recommended that the applicant refers to: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

**PL10 22/P/01770 - CHALK BARTON, SHERE ROAD, WEST HORSLEY,
LEATHERHEAD, KT24 6EW**

The Committee considered the above-mentioned full application for demolition of existing front walling and front flue, erection of ground floor infill porch, finished with open oak structure, replacement flue and alterations.

The Committee received a presentation from the Senior Planning Officer, Lisa Botha. The application was recommended for refusal. The site was located inside of the Green Belt and within the Surrey Hills Area of Outstanding Natural Beauty (AONB). The site itself was comprised of a two storey detached house with habitable accommodation within the roof space. The existing chimney would be replaced by the flue and was in a similar position between the two dormers. The porch section would be brought forward almost in line with the front wall of the dwelling. The pitched roof open timber feature would be rebuilt centrally and full height windows installed either side of the entrance door. The proposed increase in floor area was 11sqm, other internal changes were also shown on the drawing but not subject to this application.

No objections are raised in terms of the impact of the proposal on the scale or character of the area of on the Area of Outstanding Natural Beauty (AONB) or Area of Great Landscape Value (AGLV). Furthermore, no objection is raised with regard to neighbouring amenity, however, Policy P2 states that the construction of new buildings in the Green Belt constituted inappropriate development unless the building falls within a list of exemptions identified in the NPPF. P2 goes onto provide definitions to be applied to the specific exceptions which included a definition of the original building, which means either the building as it existed on 1 July 1948 or if no building existed at that time then the first building as it was originally built after this date. In this instance, the proposal when considered against the existing dwelling was very modest, just 11sqm. The policy required an extension to be assessed against the original building. The proposed development therefore represented an increase of approx. 99% over the original dwelling in terms of floor area and as such was indicative of a disproportionate addition.

The Committee also noted the High Court judgement which endorses the Council's approach to extensions and as such the correct application of the policy has been applied. In this instance and consequently the proposed development as an increase of approx. 99% over that of the original dwelling would result in a disproportionate addition within the Green Belt which by definition is harmful. The application was therefore recommended for refusal.

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

The Committee considered concerns raised that the application was a minor development that warranted approval. The proposal would have no impact upon neighbouring amenities or result in overlooking or a loss of light. The proposal was not an overbearing feature and would not have a detrimental impact upon the character of the local area. The proposal did meet with policy D1 place-shaping which produced a high quality design which responded well to the local character and landscape setting. It also met with policy H5 which stated that residential extension and alterations should not have any impact on immediate and adjacent buildings. There had also been no objections from any consultees, including the local parish council and the AONB Officer.

Planning officers confirmed that the relevant policy was P2 of Part 1 of the adopted Local Plan which mirrored closely what the NPPF required the Committee to consider. Paragraph 149 of the NPPF stated that a local planning authority should have regard to the construction of new buildings as inappropriate in the Green Belt. Exceptions to this were as per subsection C, the extension or alteration of a building, provided that it did not result in disproportionate additions over and above the size of the original building. The proposal was relatively minor, however the test was with regard to whether it represented a disproportionate addition and at 99% increase over the original building was what had to be considered. Planning officers considered that the cumulative impact would result in a disproportionate addition and it must therefore be regarded as inappropriate development in the Green Belt. No very special circumstances existed in this case, none had been put forward by the applicant and planning officers had not identified any. The harm caused must therefore be given substantial weight.

The Committee considered the application and noted that the existing building was already 94% larger than the original building onsite. Previous planning approvals onsite had already permitted such extensions and increases in the overall size of the property to take place. If considered in that context the proposal represented a 5% increase. The technical argument, whilst policy compliant was not an exercise of common sense.

Planning officers confirmed that whilst there was planning history associated with the extension of this property, the Committee had to consider the NPPF which has been in place since 2012 and the adoption of the Local Plan in 2019. It was

the Committee's duty to determine applications in line with these documents. Unfortunately, common sense was not a material consideration. The Committee was also reminded that the Council had just successfully challenged an Inspector's decision in which he did not consider the original building size as per policy P2. The High Court agreed with the Council's interpretation and quashed the Inspector's decision.

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

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Cait Taylor	X		
2	Graham Eyre		X	
3	Deborah Seabrook			X
4	Fiona White	X		
5	Pauline Searle	X		
6	Ramsey Nagaty			X
7	Maddy Redpath		X	
8	Liz Hogger		X	
9	Marsha Moseley	X		
10	Bob McShee			X
11	Chris Blow			X
12	Angela Gunning			X
13	Will Salmon	X		
14	Colin Cross	X		
	TOTALS	6	3	5

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

RESOLVED to refuse application 22/P/01770 for the reasons as detailed in the report.

PL11 PLANNING APPEAL DECISIONS

The Committee considered and noted its appeal decisions.

The meeting finished at 9.31 pm

Signed

Date

Chairman