

PIRBRIGHT PARISH COUNCIL



Minutes of the Planning Committee Meeting held in the Committee Room of Lord Pirbright's Hall on Tuesday 29th August 2023 at 7pm

The meeting was held in the Committee Room of Lord Pirbright's Hall, with details available for members of the public in advance.

Those present:

Councillors

Cllr Fidgett (Chair)

Cllr Austin

Cllr Small

Officers of the Council

Mrs Helen Myers (Clerk/RFO)

Members of the Public

No members of the public were present

1.	<p><u>FORMALITIES</u></p> <p>1.1 To Receive Members' Apologies for Absence Cllr Fidgett welcomed members to the meeting.</p> <p>1.2 To Receive Members' Declarations of Interest on any Agenda Item below Cllr Fidgett declared a personal interest in planning application 23/P/01241 Pemberton Villa, Dawney Hill, Pirbright, GU24 0JB.</p>
2.	<p><u>MINUTES</u></p> <p>2.1 To Approve the Minutes of the previous Meeting (16/06/23) The Minutes of the previous Planning Committee Meeting (16/06/23) were approved and signed by the Chair, Cllr Fidgett.</p>
3.	<p><u>PUBLIC FORUM & COMMUNICATIONS</u></p> <p>3.1 To Receive any Representation from Members of the Public No members of the public were present.</p>
4.	<p><u>PLANNING</u></p> <p>7.1 To Review applications received and other Planning related issues</p> <p>23/P/01038 Green Gates, The Green, Pirbright, GU24 0JT Proposed single storey side and rear extension with changes to fenestration following demolition of outbuildings. PPC's Response: Pirbright Parish Council raise no objection, subject to a condition that materials and finishes match existing and there should be no working on Sundays and bank holidays in order to protect the amenities of a neighbours. This comment was proposed by Cllr Fidgett and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.</p> <p>23/P/01178 Pirbright Cricket Pavilion, The Green, Pirbright, GU24 0JE Installation of artificial cricket wicket within existing cricket pitch. PPC's Response: Pirbright Parish Council raise no objection. This comment was proposed by Cllr Fidgett and seconded by Cllr Small. The motion to submit the comment was therefore carried unanimously.</p> <p>23/W/00057 Wyndrush, Chapel Lane, Pirbright, GU24 0LU Prior notification under Schedule 2, Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (NO 2) Order 2020 to add an additional storey. PPC's Response: Pirbright Parish Council noted that this application was already approved but would not have raised an objection. This comment was proposed by Cllr Small and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.</p>

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23/P/00968 Greenways, Fox Corner, Pirbright, GU3 3PP Certificate of Lawfulness for a proposed use to establish whether the use of the main house and annexe as a single dwelling would be lawful.

PPC's Response: PPC raise a strong objection to this CLEUD application. The application seeks confirmation from GBC of two things, firstly that the consented use is as C3 and secondly that the existing (and future) use is C3. We strongly contend that the latter use is patently not as C3 and is instead a HMO operated for and on behalf of a business, Applenet Care and use of the property as such should cease. Applenet Care and Support are a registered business who are paid by the Councils to home vulnerable adults in need of care and supervision, including those on release from prison. It is a business and is not a use that is in character or function, consistent with a use as a domestic dwelling. This is a licensed as a HMO. For planning purposes HMOs are divided into three classes according to their size and the nature of the relationship between residents. HMOs occupied by between 3 and 6 unrelated people fall into use class C4. HMOs with 7 or more occupants are Sui Generis. Hence, although the applicant claims that they have reduced the numbers of residents to 6 and have updated the layout plans to revert a number of bedrooms to common areas, this is still, in our clear view, characteristic of a HMO and has a number of institutional traits that are entirely alien to the domestic C3 use class and clearly reflect the operation of the facility as a business with residents requiring substantial levels of supervision and care. Such a use is entirely inappropriate in this village location, remote from public services, public transport and emergency facilities. The clear differences in the character of the use are evident in the descriptions provided by the applicant and by GBC and SCC in response to FOI requests. It is clear from the documented planning history that the consented use of the property is as a single domestic dwelling (Class C3)(see ref 12/P/00967 and 00280). No other use is permitted without express consent and no such consent exists. PPC have received information from FOI requests in respect of the use of the property by Applenet and this shows that it is now a registered HMO. On 3 April 2023 GBC emailed: "This HMO licence has been reduced to a will be reduce to 1-year licence term. This is due to the property not having adequate planning permission from the relevant authority for it to be used as a large HMO for 7 Bedroom (Suis Generis, Town and Country Planning Act 1990). The licence holder will be expected to ensure they meet the legal obligations to attain appropriate planning consent within [12] calendar months of the date of issue of this licence or reduce the numbers occupying the property....." They also require that existing tenancies run their full term. One of the options presented by GBC is to reduce the numbers living at the property. It is clear therefore, that the recent use of the property has exceeded these numbers and not complied with this requirement. This is also evident from relies to enquiries given by SCC prior to this application. Indeed it is also clear that this application appears only now made as a result of the significant concerns raised by local community and PPC over the failings that have arisen in the operation of the facility by Applenet which have legitimately raised fears among the neighbours and wider community. This has required police attendance on numerous occasions and one instance of arson at a nearby property. It seems clear from the history of the recent use of the site over the last year or so, that the operator of the facility, Applenet, have not operated within the terms that the application now describes. Indeed the amendment of layout plans within the course of the application to vary the living/bedroom accommodation underlines the fluid nature of their arguments. Responses to our enquiries from SCC previously have referenced a greater number of residents (7, 8 and we believe more), the bringing to site of a large mobile home to provide additional accommodation (or office), its removal subsequent to our (and residents') concerns. They have only retrospectively sought planning advice and sought to adapt their business model to fit within what they perceive to be a C3 use class to exempt them from the need to address the clear issues that a planning application would raise. The application states that in addition to the 6 residents, there is a permanent on-site care team which consists of 4 overall staff at one time, rotating on a 12-hour shift pattern (8am-8pm). Throughout the day, there are 3 carers and 1 manager, with 3 carers at night. This is not characteristic of a single family dwelling where the carers and residents are a single household in C3(b) use and is clearly a business model and more institutional in nature, characteristic of a C2 residential institution or HMO. Government guidance clearly requires consideration of support staff as part of the number of people accommodated. The residents are not living as a single household and it is clear that there is no relationship between them other than that they have been placed there by GBC or SCC under the care and supervision of Applenet. The fact that some residents require supervision is material to this issue. It is also the case that the annex to the property was originally granted planning permission as a garage and outbuilding. Its conversion as shown in the plans for primary living accommodation comprising a self contained bedroom, kitchen, lounge and bathroom is not permitted under the previous permissions and has not previously been the subject of any CLEUD application, hence is considered unlawful. The application is therefore, incorrect in defining the use of this building as primary living accommodation within C3. Even if it were considered lawful (which we consider it is not) this is effectively self contained and does not form part of the single household within the main house. Circular 08/2010 (Annex A) made clear a useful definition of the difference between C3(b) and C2 residential institution describing: "It remains the case that in small residential care homes or nursing homes,

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staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (Class C2), regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated." The appeal decisions referenced in the application are both different in nature and are not comparable to the current application, which must be determined on its merits. They also involved fewer people accommodated at the address. In this case the number of staff and residents far exceeds the threshold of 6 people and the nature of the facility is very different. It is also clear that the claim that this facility in functionality does not differ from a typical family Household is plainly at odds with the common understanding of a single household living together. The use is for a facility where a high level of both care and supervision is required, including a high ratio of staff, medication and security. PPC reserve the right to consider this application further and wish to be kept apprised of GBC's approach to the application. PPC request a meeting with the case officer prior to forming a recommendation, as this application raises serious public safety and amenity concerns and is in our view, fundamentally flawed. This comment was proposed by Cllr Fidgett and seconded by Cllr Small. The motion to submit the comment was therefore carried unanimously.

23/T/00205 Orchards, The Green, Pirbright, GU24 0JE London Plane Trees (T1 & T2) remove to ground level (Pirbright Conservation Area).

PPC's Response: Pirbright Parish Council have no objection in principle subject to the views of the Tree Officer but would recommend the replanting at a suitable place within the frontage of a replacement tree. This comment was proposed by Cllr Small and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.

23/T/00206 The Bungalow, The Green, Pirbright, GU24 0JE T1 & T2 (Yew Trees) fell. Pirbright Conservation Area

PPC's Response: Pirbright Parish Council raise no objection subject to the views of the Tree Officer. This comment was proposed by Cllr Small and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.

23/W/00042 Vines Farm, Mill Lane, Pirbright, GU24 0BS [Amended Application](#). Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to a flexible use within Storage or Distribution (Use Class B8). The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class R.

PPC's Response: Pirbright Parish Council is awaiting a response from GBC to queries on this application and will therefore defer its response until this has been received. This action was proposed by Cllr Small and seconded by Cllr Austin. The motion to delay any comment was therefore carried unanimously.

23/P/01219 The Oaks, 9 Law Meadows, Pirbright, GU24 0BF Retention of existing shed in rear garden.

PPC's Response: Pirbright Parish Council raise objection to the application to retain the building which at over 6mx3m is more than a simple shed and sits substantially detached from the main house. We are concerned that the layout of the development does not accord with the consented layout shown on 18307 / C101 and in the approved landscape scheme and ecological management plan. The area concerned appears to have been annexed as part of the garden and has a substantial path constructed which is at odds with the consented plans (see below). PPC are concerned that this impacts both on the landscape, ecological, flood risk and Green Belt considerations that were a key part of the original permission. This comment was proposed by Cllr Fidgett and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.



23/P/01035 The Mill House, Mill Lane, Pirbright, GU24 0BN Listed building consent for damp proofing works to existing building, including removal of areas of internal plaster and digging of trench externally to allow access for damp proofing works and to be fully restored to existing condition on completion of works.

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PPC's Response: Pirbright Parish Council have no objection subject to the views of the GBC conservation officer. The works proposed are for the maintenance of the building and structure long term and hence are supported, but have the potential to impact buried remains and features that have been covered over time. PPC therefore, request a detailed condition requiring any original features encountered or archaeological remains be subject to appropriate investigation and recording and preservation as part of the works. This comment was proposed by Cllr Small and seconded by Cllr Fidgett. The motion to submit the comment was therefore carried unanimously.

23/P/01321 Reculver, Chapel Lane, Pirbright, GU24 0JZ Variation of condition 2 of planning permission 22/P/01223 approved 19/1/23 to make changes to the approved drawings.

PPC's Response: Whilst Pirbright Parish Council did not raise objection to the original application, we would raise an objection to the present proposal which appears to extend the rear elevation of the property to a point where it adversely impacts the 45 degree sight line from the existing adjacent property. While this is single storey at this point, the mass of the roof and depth raise concerns that the rear extension will adversely impact the amenity and outlook of the neighbouring properties, as the extensions are close to the property boundary. The outline of the adjacent properties does not appear to be shown accurately on the site plans and it would be helpful to plot each of the neighbouring windows to show the actual impact on light and amenity. This comment was proposed by Cllr Small and seconded by Cllr Fidgett. The motion to submit the comment was therefore carried unanimously.

23/P/01241 Pemberton Villa, Dawney Hill, Pirbright, GU24 0JB Proposed replacement window to the front, rear and side elevations.

PPC's Response: Pirbright Parish Council are concerned to ensure that any replacement windows in period properties within the Pirbright Conservation Area reflect in detail the original form of windows that are characteristic of the property. These are Victorian in nature (not Georgian) and have a significant impact on the character of the building. The pair of semi-detached cottages, dating from the era of Lord Pirbright are an important part of the character area of Dawney Hill. This is especially important in front facing windows which contribute significantly to the character and appearance of the conservation area. Hence while the PPC have no objection in principle to the replacement of windows within the conservation area, the detailed plans in this case do not allow comparison of the front elevation with the adjacent cottage of which this is a pair. The detailed dimensions of the replacement windows should match those of the original, and have the correct glazing bars in the front and none in the side bay. If this can be achieved we have no objection. Without this, the introduction of uPVC windows with potentially thicker glazing bars, reveals and surrounds is likely to have a negative impact on the appearance of the pair and the character and appearance of the conservation area. This comment was proposed by Cllr Small and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.



23/P/01387 Green Gates, Pirbright, GU24 0JT Erection of two storey garage/gym/home office building following demolition of existing garage.

PPC's Response: Pirbright Parish Council have no objection in principle but on reviewing the plans PPC have concerns about privacy from the first floor dormer to the opposite properties at Gibbs Acre. There is not the normal 20m window-to-window distance to prevent overlooking and therefore PPC have a concern. PPC might suggest that the dormer be flipped to the opposite side to alleviate the privacy issue. This comment was proposed by Cllr Fidgett and seconded by Cllr Austin. The motion to submit the comment was therefore carried unanimously.

23/P/01330 Dell-Quay, Fox Corner, Pirbright, GU3 3PP Variation of condition 4 (removal of permitted development rights) of planning application 15/P/00696 allowed on appeal 28/10/15 for the erection of a first floor side extension. To reword condition to read "Notwithstanding the provisions of (GPDO, etc) no development falling within Part 1, Class E shall be carried out within the curtilage of the dwelling house.

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	<p>PPC's Response: <i>Pirbright Parish Council believe that this is a substantial property that has been extended previously and in order to protect the openness of the greenbelt the previous appeal inspector felt it necessary to restrict permitted development rights to prevent further adverse impact on the greenbelt. The protection of the openness of the greenbelt remains an important part of national and local policy and the condition Pirbright Parish Council believe it should be retained. If the applicant wishes to put forward development at the site this should be considered through the proper application process. This comment was proposed by Cllr Fidgett and seconded by Cllr Small. The motion to submit the comment was therefore carried unanimously.</i></p>
5.	<p><u>APPEALS</u> Recommendation:</p> <ul style="list-style-type: none"> a) To consider any appeals received and submit a response No appeals were received to be discussed. b) To note the outcome of appeal decisions <i>No outcomes of appeal decisions were noted.</i>
6.	<p><u>ENFORCEMENT</u> Recommendation:</p> <ul style="list-style-type: none"> a) To report any potential breaches of planning permission or conditions No planning breaches were discussed. b) To note any reported breaches of planning permission No planning breaches had been reported.
7.	<p><u>DATE OF NEXT MEETING</u> To set the date of the next Planning Committee Meeting. No date was set for the next Planning Committee Meeting. The next meeting will be called when the need arises.</p>

The meeting ended at 8.45pm

Signed.....

Date.....