

**Minutes of a Meeting of the Planning
Applications Committee held at
Council Chamber, Surrey Heath House
on 7 March 2016**

+ Cllr Edward Hawkins (Chairman)
+ Cllr David Mansfield (Vice Chairman)

| | |
|-------------------------------|-----------------------------|
| + Cllr David Allen | + Cllr Katia Malcaus Cooper |
| + Cllr Richard Brooks | + Cllr Robin Perry |
| + Cllr Nick Chambers | + Cllr Ian Sams |
| + Cllr Mrs Vivienne Chapman | + Cllr Conrad Sturt |
| - Cllr Colin Dougan | + Cllr Pat Tedder |
| + Cllr Surinder Gandhum | + Cllr Victoria Wheeler |
| + Cllr Rebecca Jennings-Evans | + Cllr Valerie White |

+ Present
- Apologies for absence presented

Substitutes: Cllr Adrian Page (In place of Cllr Colin Dougan)

In Attendance: Jane Ireland, Emma Pearman, Jonathan Partington, Cllr Paul Deach, Cllr Moira Gibson, Cllr Alan McClafferty, Lee Brewin, Gareth John, Jenny Rickard and James Robinson

Cllr Paul Deach – from min 48/P – min 49/P
Cllr Moira Gibson – from min 48/P – min 49/P
Cllr Katia Malcaus Cooper – from min 48/P – min 49/P
Cllr Victoria Wheeler – from min 48/P – min 50/P

Jane Ireland – from min 48/P – min 49/P
James Robinson – from min 48/P – min 49/P

Mr Alan Cleverly OBE

The Chairman, with sadness, advised the Committee that Mr Cleverly, the agent for the Conservative Association Surrey Heath had passed away that morning. He would be sorely missed.

48/P Minutes

The minutes of the meeting held on 10 February 2016 were confirmed and signed by the Chairman.

49/P Application Number: 15/0590 - HEATHPARK WOOD, HEATHPARK DRIVE, WINDLESHAM

The application was for the outline planning permission for the erection up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Details of access only to be agreed).

(Additional info received 10.08.2015). (Additional info & amended plan rec'd 02/10/2015). (Additional info recv'd 8.12.15).

Members were advised of the following update:

1. 'Amended RECOMMENDATION:

Subject to conditions (as detailed on pages 40-51 of the report and amendments in this update sheet), signing of the legal agreement to secure provision of Suitable Alternative Natural Greenspace (SANG), affordable housing and SAMM, and reporting the application to the National Planning Casework Unit the Executive Head of Regulatory be authorised to GRANT planning permission, in consultation with the Chairman of Planning Applications Committee.

In the event that a satisfactory legal agreement has not been agreed by 31st March 2016, the Executive Head of Regulatory be authorised to REFUSE the application for the reasons set out on page 39 of the agenda.

Officer comment:

In respect of the above, a draft of the legal agreement has been received which is satisfactory in respect of SAMM and Affordable Housing.

With regard to the SANG, Natural England has today removed its objection and as such the Local Planning Authority are satisfied that it sufficiently addresses SANG management, subject to some minor amendments.

A copy of a letter was received from Windlesham Heathpark Wood Group which was addressed to the National Planning Casework Unit (NPCU), requesting that the application be called in by them for determination. The NPCU have therefore requested that the decision is not issued until we have notified them of what the decision is, at which point they will decide whether to take this request any further.

- 2. Air Quality – Further objections have been received. The Environmental Health Officer produced a 24-page document in response to these objections which has been circulated to the Committee and is on our website. The EHO concludes again that there is no reason to object to the development on the grounds of air quality.*
- 3. Flooding – a further objection has been received in respect of flooding, however, it is considered that the report adequately addresses this issue and conditions are proposed in this regard should permission be granted.*
- 4. The two SANG management plans have been amalgamated at the request of Natural England so amend condition 30 to read:*

Prior to commencement of development the submitted draft SANG Management Plan – Ecology Revision 2 Feb 2016 received 29.02.16 shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority in conjunction with Natural England.

5. *Correction – Annex C should read ‘Environmental Health Officer’s comments’*
6. *Amend Condition 2 to include reference to the SANG Proposal Plan. The applicant states this is complete but this outline application is considering details of access only with landscape details at reserved matters stage:*

The development hereby permitted shall be carried out in accordance with the Site Location Plan SLP-01B received 25.06.15, and access to be provided in the location as shown on the Indicative Site Access point 30446-5501-SK04 Rev B. The SANG area shall be constructed broadly in line with the Amended SANG Proposal Plan Rev G received 02.10.15. The dwellings shall be built wholly within the area of the site identified as a Housing Reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000 as shown on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. *Further information from Windlesham Heathpark Wood Group has been circulated to Members (This included photos, a list of policies that they consider are relevant, and some proposed reasons for refusal).*

Officer comment:

With regard to the list of policies, RE3 is not a current policy and the matters raised by the other policies including national and local housing policies, and the presumption in favour of sustainable development is fully discussed in section 7.5 of the report. With regard to the photos submitted, please note that photos 1 & 6 do not appear to be of the site itself but an area to the east of St Margaret’s Cottage which is outside the application site and not affected by this application. With regard to photos 3 & 4 of the backdrop to Heathpark Drive, please note that there is a buffer of at least 10m proposed behind the houses where trees would be retained. With regard to the proposed reasons for refusal, it is not considered that these raise any new issues that have not been discussed in the report. The first one relates to the release of the housing as discussed in section 7.5, the second to ecology and ancient woodland as discussed in sections 7.7 and 7.10 and the third reason covers several matters which are discussed throughout the report.

8. *Ecology – Further objection was received on the presence of bats and an objection was received today from Surrey Bat Group (via Windlesham Heathpark Wood Group) which was sent to Members.*

Officer comment:

Surrey Wildlife Trust still raises no objection and Surrey Bat Group has since verbally confirmed that they would have no objection to a condition to require further surveys at reserved matters stage.

Additional condition:

Surveys to establish the presence or otherwise of bats shall be undertaken in line with the advice received from Surrey Bat Group dated 4th March 2016 and provision of appropriate compensation/mitigation suggested, and these shall be submitted for approval in writing by the Local Planning Authority along with the details of reserved matters.

Reason: To ensure that there are no significant adverse effects upon biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

9. *As SAMM is now covered in the legal agreement, Condition 31 would not be required.'*

A further comment had been received from the applicant just prior to the meeting which had not been in time for officers to read it and comment.

Members were concerned about the sustainability of the development and the ecological harm, in particular the harm to bats, badgers and various birds.

The Local Ward Councillor spoke against the proposal. It was emphasised that the proposal was on safeguarded land which amounted to long term protection of the Green Belt. There were concerns about the habitat of the wildlife on the site and that a robust condition would have to be included to protect the bats. In addition the ancient woodland would need to be protected from the drainage measures taken for the dwellings on site. Confirmation was required as to the presence of red kites and sparrow hawks on site.

Officers reminded Members that the most up to date policy contained within the NPPF needed to be considered with regard to this proposal. In respect of biodiversity surveys were agreed by Surrey Wildlife Trust and Natural England. Officers advised Members of the test under paragraph 99 of ODPM Circular 06/2005 and that Officers were satisfied that further impact on protected species could be considered as part of the reserved matters submission. It was confirmed that any reserved matters submission would need to be considered by the Committee.

Members still had concerns regarding the ecological harm and the safeguarding of the Green Belt. Officers had, after the receipt of a legal agreement, recommended to approve the application subject to conditions. However, after consideration Members felt that the application should be refused as the Local Plan needed to be reviewed before the safeguarded land should be released for development and more robust surveys be carried out in respect of the bats, badgers and certain species of birds.

Resolved that application 15/0590 be refused for the following reasons:

- i) any development on safeguarded land be held in abeyance until a review of the Local Plan is carried out;**
- ii) a thorough bat survey had not been carried out;**
- iii) no mechanisms in place to safeguard the badgers on the site; and**
- iv) no thorough survey on protected birds nesting on the site.**

Note 1

It was noted for the record that Committee Members had been contacted by residents.

Note 2

As the application triggered the Council's public speaking scheme, Mr Chris McDonald, representing the Heathpark Wood Group, Mrs Ann Fenton and Tony Murphy, spoke against the application. Mr Geoff Armstrong, the agent spoke in support.

Note 3

There was no proposer and seconder with regard to the officers' recommendation to approve the application as amended.

Note 4

The recommendation to refuse the application was proposed by Councillor Vivienne Chapman and seconded by Councillor Conrad Sturt.

Note 5

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, Katia Malcaus Cooper, David Mansfield, Adrian Page, Robin Perry, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White.

Abstaining from the vote:

Councillors Ian Sams.

50/P Application Number: 15/1069 - CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE

The application was for erection of five detached dwellings (2 x 3-bed, 2 x 5-bed, 1 x 6-bed) with detached garages, parking, access and landscaping, following demolition of existing horticultural buildings. (Additional and Amended Plans - Rec'd 02/02/2016.) (Amended Plan - Rec'd 19/02/2016.)

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr E Hawkins and Cllr Tedder it has been called in for determination by the Planning Applications Committee.

Members were advised of the following update:

1. *'A satisfactory legal agreement has been signed and received in respect of SAMM and Affordable Housing - **the Recommendation is therefore changed to GRANT.***

2. *An amended Site Plan has been received which now shows the correct visibility splays and has taken into account the requirements of the County Highway Authority and as such Condition 2 should be updated so that the second plan in the list reads: Site Layout Plan 13-P908-20B received 29.02.16*

3. *A response to the application has been received by the Local Lead Flood Authority, who have not objected subject to the following additional conditions:*
 19. *Prior to commencement of development, a Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Drainage Strategy shall:*
 - *Provide results from infiltration testing in accordance with BRE Digest 365. The Sustainable Drainage System shall then be designed in accordance with these results.*
 - *Provide evidence showing that the site is not discharging via infiltration into a Ground Water Source Protection or into contaminated lane.*
 - *Show evidence that there are no risks from contamination on or offsite and that the proposal shall not infiltrate into a source protection zone*
 - *Provide details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite*
 - *Provide details of how the Sustainable Drainage System will be protected and maintained during the construction of the development*
 - *Provide long and cross sections of each proposed SuD element and a finalised drainage layout plan*

The development shall be carried out fully in accordance with the approved details.

Reason: To ensure the Sustainable Drainage System is appropriately designed, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

20. Prior to construction of the development hereby approved, details of the proposed maintenance regimes for each of the SuDS elements must be submitted to and approved by the local planning authority

Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

21. Prior to occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is appropriately designed and implemented in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

4. *A further objection has been received today from The Chobham Society which states that:*
- The development is inappropriate within the Green Belt with no very special circumstances [see section 7.3 of the report]*
 - It will turn a peaceful rural lane into something like a housing estate road [see section 7.4 of the report]*
 - It will represent further incursion into the diminishing green space that separates Chobham from West End [Officer comment: the site already is covered with glasshouses – see section 7.3 of the report]*
 - If approved the houses should have a maximum of three bedrooms to replenish existing stock that is being lost by way of extensions [Officer comment: Housing mix has to be balanced with character concerns and the area is characterised by larger, detached dwellings. Two of the five houses proposed are 3-bed houses. See section 7.4 and 7.7 of the report].'*

There were concerns about the access and the size of the dwellings on the site. Members were reminded that County Highways Authority had raised no objection. Landscaping was also a concern but the Committee was advised that condition 5 covered that issue.

Resolved that application 15/1069 be approved as amended subject to the conditions as set out in the report of the Executive Head – Regulatory.

Note 1

As the application triggered the Council's public speaking scheme, Mrs Gill Head spoke against the application. Mr Jim Bailey, the agent spoke in support.

Note 2

The recommendation to approve the application was proposed by Councillor David Mansfield and seconded by Councillor David Allen.

Note 3

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, and Valerie White.

Voting against the recommendation to approve the application:
Councillors Pat Tedder and Victoria Wheeler.

51/P Application Number: 15/1133 - CHOBHAM SERVICE STATION, STATION ROAD, CHOBHAM, WOKING, GU24 8AJ

This application was for the Variation of Condition 1 of planning permission SU/13/0367 so as to allow the petrol station to remain open 24 hours a day, 7 days a week.

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr Tedder it has been called in for determination by the Planning Applications Committee.

Members were advised of the following update:

- 1. 'Please note that the Location Plan on page 136 correctly shows the boundary between the site and 1 Rowell End Villas (the OS map on page 133 does not indicate this)*
- 2. If permission is granted, a further condition should be added requiring details of the proposed lighting to be submitted before the extended hours commence (see paragraph 7.5.10), to read:*

Prior to commencement of the development hereby approved, full details of the proposed lighting to be used during midnight – 6am shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

3. Ten further objection letters have been received which raise the following issues:

- Chobham is peaceful at night and we should not be encouraging people to drive here in the small hours to use the petrol station or shop [see section 7.5 of report]*
- Cannot see a benefit to the village but there will be an increase in noise, and potentially crime [see section 7.5]*
- A precedent will be set with other shops like Co-Op and Tesco potentially wanting to open 24 hours as well [Officer comment: each application would be judged on its own merits]*
- Questioning the 'early engagement' referenced by the developer in that this involved only letters sent to immediate neighbours [Officer comment: the effectiveness of the early engagement is not something that is taken into consideration of the planning application and not something that the applicant must do]*
- Early engagement showed that neighbours had complained to the station manager about the noise of the car wash, and that the manager did not want to switch off the faulty machine; manager does not act upon other noise complaints nor are complaints followed up [Officer comment: again this is part of the early engagement and appears to be a management issue rather than something that can be taken into account as part of the application]*
- Potential increase in traffic and HGVs [see section 7.6]*
- Already 24 hour petrol and diesel available nearby/no need for the facility/impact on amenity will outweigh need/inappropriate location [Officer comment: applicant does not have to demonstrate need in this location as there is no policy that would require this]*
- Impact on Conservation Area [see sections 5.3 and 7.4]*
- Those living next door deserve respite from it [see section 7.5]*
- Elected representatives must take a stand against it if Officers cannot [Officer comment: Officers must take into account specialist advice and in this case there have not been any objections from statutory consultees regarding noise, traffic or the conservation area]*

Photos by an objector showing tanker deliveries were circulated to the Committee.'

There was concern that the site was encircled by residential units and regarding the impact the service station already had on the surrounding housing.

The officers had recommended that the application be approved, however, after consideration the Members felt the application should be refused due to the harm the proposal would have on adjoining residential amenities. Following clarification by Officers, it was agreed that the harm was general disturbance rather than specific noise and light pollution.

Resolved that application 15/1133 be refused on the grounds of the harm to residential amenity.

Note 1

It was noted for the record that Members had received information from a resident.

Note 2

In accordance with the Council's Code of Conduct, Councillor Victoria Wheeler declared that she had a disclosable pecuniary interest as she owned a property opposite the application site and she left the room during its consideration.

Note 3

As the application triggered the Council's public speaking scheme, Mrs Rachael Gillingham and Mr Darren Rees , representing the Chobham Society spoke against the application. Mr Rupert Ainsworth, the applicant spoke in support.

Note 4

There was no proposer or seconder with regard to the officers' recommendation to approve.

Note 5

The recommendation to refuse the application was proposed by Councillor Vivienne Chapman and seconded by Councillor Pat Tedder.

Note 6

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder and Valerie White.

Chairman