

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 14 January 2021

+ Cllr Edward Hawkins (Chairman)
+ Cllr Victoria Wheeler (Vice Chairman)

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|-----------------------|----------------------|
| + Cllr Graham Alleway | + Cllr Robin Perry |
| Cllr Peter Barnett | Cllr Darryl Ratiram |
| Cllr Cliff Betton | Cllr Morgan Rise |
| Cllr Colin Dougan | Cllr Graham Tapper |
| Cllr Shaun Garrett | Cllr Helen Whitcroft |
| Cllr David Lewis | Cllr Valerie White |
| Cllr Charlotte Morley | |

+ Present

- Apologies for absence presented

Substitutes:

Members in Attendance:

Officers Present:

43/P Minutes of Previous Meeting

The minutes of the meeting held on 17 December 2020 were confirmed and signed by the Chairman.

44/P Application Number: 20/0747 - Kamkorp Park, Chertsey Road, Windlesham, Surrey, GU20 6HZ

The application was a hybrid planning application comprising: Full application for a new building for Sales, Manufacturing & Heritage (Building 2) together with test road, two new vehicular accesses onto Highams Lane, associated parking, landscaping and ancillary outbuilding. Change of use of existing buildings (comprising former BOC Headquarters) for education, storage, business and ancillary uses. Outline application with all matters reserved for 2 new buildings for Headquarters and Engineering (Building 1) and Vehicle Research and Development (Building 3).

Members were advised of the following updates on the application:

“AMENDED CONDITIONS

New condition - Condition 34:

The test road hereby approved shall not be used before 9am or after 5pm on weekdays nor at any time at weekends or Public Holidays, unless otherwise

agreed in writing with the Local Planning Authority. For the avoidance of doubt public holidays includes New Years Day, Good Friday, Easter Monday, all Bank Holidays, May Day, Christmas Day and Boxing Day.

Reason: In the interest of the residential amenities of the area and to accord with the Policy DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Amended Condition 22 (new text in bold):

Prior to first occupation of the **full buildout** hereby approved, the proposed highway improvements at the junction of Highams Lane with B386 Chertsey Road comprising the removal or cut-back of vegetation to improve visibility west of the junction and widening of the junction bellmouth shall be completed broadly in accordance with Arup's drawing no. GMDW-ARUP-ZZ-XX-DR-C-2160 P01 and subject to detailed design and Surrey County Council's full technical and road safety auditing requirements.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Further information in respect to the existing molecule building (para 8.4.3, page 21):

The applicant has confirmed that the Molecule Building will be retained and used for storage and ancillary uses almost immediately as the applicant moves into to the site. The ancillary uses will include a range of business uses which include technicians undertaking servicing of the T50 currently being assembled at Dunsfold and also maintenance / storage of the heritage collection and other business assets.

Turning to the medium and longer term, the applicant is committed to ensuring the molecule building will feature centrally as the site comes into full operation. Works to the building to refurbish it use will start during the first quarter of this year and the long-term intention for the building is for it to be linked integrally to the wider site to educate and assist training in motor vehicle development and automotive technologies.

The molecule building would provide apprentices, students and graduates with access to existing experienced staff and existing technology helping them develop analytical skills by exposure to cutting edge thinking and by making real world knowledge accessible to these future automotive professionals, at the earliest stages of their career development. The molecule building would form a workspace to enable this to happen while providing a tangible link between industry and academia. The training academy will be funded largely from a charitable education trust set up personally by Professor Gordon Murray, in partnership with local academic institutions to be run like any other educational institute, but with the opportunity of regular work experience throughout courses, at the GMG facility all on the same site.”

The officer recommendation to grant the application was proposed by Councillor Colin Dougan, seconded by Councillor Victoria Wheeler and put to the vote and carried.

RESOLVED that

- I. **application 20/0747 be granted subject to the conditions in the officer report and planning updates; and**
- II. **the application be referred to the Secretary of State as a Departure from the Development Plan**

Note 1

It was noted for the record that:

- I. Councillor Edward Hawkins declared that:
 - a) he had been invited to a number of presentations on the proposal, but had not attended any; and
 - b) he had received correspondence from the applicant on the application.
- II. Councillor Victoria Wheeler declared that:
 - a) she had spoken to the applicant's agent in respect of the application;
 - b) she had attended a joint meeting with the applicant and with the other ward councillors;
 - c) she had received few representations on the application from local residents;
 - d) whilst she had engaged with the applicant on numerous occasions, she came into the meeting with an open mind.
- III. Councillor Colin Dougan declared that, in his role of Business and Transformation portfolio holder, he had met with the applicant at the application site.

Note 2

A roll call vote was conducted on the application and the voting was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Robin Perry, Darryl Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

45/P Application Number: 19/2041- Land To The North Of Bagshot Road, Bagshot Road, Chobham, Woking, Surrey

The application was for change of use from equestrian to dog day care facility for up to 130 dogs with associated fencing, hard standing and works to existing buildings.

The application would have normally been determined under the Council's Scheme of Delegation. However, it had been referred to the Planning Applications Committee at the request of Councillor Victoria Wheeler due to the concerns of local residents.

"A further objection from Chobham Parish Council has been received raising similar objections and comments to the original proposal.

There was a recent re-notification on receipt of an amended drawing. 26 further objections have been received, some of which have indicated that their previous objections have not been overcome by the amendment and re-iterating earlier objections.

The additional comments include:

- Impact on adjacent equestrian site.
- Recent flood event accentuates flood risk objection
- Would lead to establishment of day boarding kennels.
- Noise impact in combination with local school
- Noise impact on local school (teaching)
- Poor site visibility for access/egress
- Lack of facilities for staff
- Impact on local dog walking/day care businesses
- Inadequate parking would lead to overflow parking in Clappers Lane
- No drop-off facility for dog owners [*Officer comment: The proposal would include a drop off (as well as collection) service*]
- Relationship of some supporters of this application with applicant [*Officer comment: This is not a material planning consideration*]
- Reference to a Norfolk court case on noise disturbance from a dog facility [*Officer comment: Further details not provided*]
- Access provided from Clappers Lane which is inadequate for such purposes [*Officer comment: The access is proposed from the existing access on Bagshot Road*].

AMENDED CONDITIONS AND INFORMATIVE

Condition 2:

The proposed development shall be built in accordance with the following approved plans: 102 Rev E and 111 Rev **D**, except where amended by conditions below, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

Condition 5:

Notwithstanding the details provided shown on approved drawing 102 Rev E and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting

that Order), details of **all fencing** shall be submitted to and approved by the Local Planning Authority prior to being erected or installed . Once approved, the details shall be implemented in accordance with the approved scheme before the use hereby permitted is first commenced. **There shall be no variation or amendment to the approved fencing details without the prior written approval of the Local Planning Authority.**

Reason: To preserve and enhance the visual amenities of the locality and the openness of the Green Belt and in the interests of nature conservation and in accordance with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Condition 7:

The development shall be implemented in accordance with the times of dog collection, so that they arrive at the site from 08:30 and leave the site by **18:00** hours on Mondays to Fridays only, and operational hours, of 07:30 and 18:00 hours on Mondays to Fridays only, and maximum staffing levels of 15 staff at the site as set out in Bruce's Doggy Day Care Management Report dated September 2019.

Reason: In the interests of visual and residential amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Condition 10:

The car parking spaces shown on the approved plan 102 Rev E shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles. **Details of the cycle parking facilities shall be submitted to and approved by the local planning authority and shall be provided prior to the commencement of the approved use.**

Reason: To ensure the provision of on-site parking accommodation, to promote sustainable modes of transport and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Condition 13:

Notwithstanding the details provided on the approved drawing 102 Rev E, **details of the proposed hardstanding shall be submitted to and approved by the local planning authority. The approved details shall be provided in perpetuity prior to the commencement of the use hereby approved.**

Reasons in the interests of visual and residential amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative 3:

It will be expected that the external lighting details, required to be agreed under Condition 9 above, shall only provide for safe access to the building.”

As the application had triggered the Council’s Public Speaking Scheme, Professor David Moss, on behalf of the Chobham Society, and Mr Alex Vero spoke in objection to the application. Mr Bruce Casalis, the applicant, spoke in support of the application.

The Committee held significant concerns with the application’s impact on the openness of the Greenbelt. It was felt that the intensification and the commercial development of the site; and its associated paraphernalia and equipment would result in harm to the openness of the site; and thus the greenbelt. In addition reservations were also raised in respect of the proposed acoustic fencing and its impact on residential amenity and by its inherent nature its impact on the openness of the greenbelt; as well as the existing character of the area.

Whilst it was appreciated that it was not a material planning consideration, Members also held concerns as to the proposal’s ability to allow fulfillment of the requirements under the workplace (Health, Safety and Welfare) Regulations 1992, such as the provision of staff rest facilities.

As there was no proposer and seconder for the officer’s recommendation, the officer’s recommendation fell.

An alternative recommendation to refuse the application for the reasons below was proposed by Councillor Victoria Wheeler, seconded by Councillor Helen Whitcroft, and put to the vote and carried.

RESOLVED that

- I. application 19/2041 be refused for the following reasons:**
 - **the nature of the commercial use and associated paraphernalia on the land; and the impact of the fencing would be harmful to the openness of the greenbelt; and as there are no very special circumstances to outweigh the harm it is thereby contrary to the NPPF,**
 - **the proposed commercial use would be detrimental to the rural character of the area and by association be harmful to the residential amenity of the wider area and thereby be contrary to the National Planning Policy Framework (NPPF) and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document;**
- II. an informative be added to the refusal to note concerns in respect of the lack of provision of facilities, included in the plans, in relation to the Workplace (Health, Safety and Welfare) Regulations 1992; and**
- III. the wording of the reasons for refusal and the informative be finalised by the Executive Head of Regulatory after consultation with the Chairman, Vice Chairman of the Planning Applications Committee and the Ward Councillors.**

Note 1

It was noted for the record that:

- I. Councillor Edward Hawkins declared that he had received correspondence from both the applicant and objectors in respect of the application;
- II. Councillor Charlotte Morley declared that she had a friend who lived close to the application site; whom she spoke to about the process of determining the application, but that she came into the meeting with an open mind; and
- III. Councillor Victoria Wheeler declared that:
 - i. she had received correspondence from objectors, as well as from the applicant via the phone on a number of occasions;
 - ii. she had spoken to local residents on the process of determining the application and how to communicate in respect of the application in her role as their ward councillor; but came into the meeting with an open mind.

Note 2

A roll call vote was conducted and the voting on the alternative recommendation to refuse the application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Robin Perry, Darryl Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

46/P Application Number: 20/0153 - Land To The Rear Of 42 Station Road, Frimley, Camberley, Surrey GU16 7HF

The application was for the erection of a two storey building comprising 4 two bedroom flats with associated amenity space.

The application would have normally been determined under the Council's Scheme of Delegation. However, it had been referred for determination by the Executive Head of Regulatory as the owner of the site had been a Surrey Heath Borough Councillor within the last 4 years.

“UPDATE FROM PLANNING APPLICATIONS COMMITTEE 17 DECEMBER 2020

An email has been received from Mr. D. Allen requesting that the application be deferred until the January meeting. In summary, Mr Allen claims that the agenda report was received less than 48 hours before the meeting and so there has been no time to rebut anything, despite asking to see the report for the past 6 weeks. He states that in every point in the report there is a mistake or serious irregularity and so the applicant would therefore like the opportunity to remedy this. He is also critical of the case officer's handling of the application.

Officer comment:

The agenda was published on the website on Friday 4/12 and so the applicant would have had sufficient time to consider its content. No report is made available until it is published. No substantive explanation has been given as to why the report is incorrect. In the opinion of the officers there are no valid grounds to defer determination of this application.

Consultation responses

The consultation response received from the Council's Drainage Officer recommends refusal for the following reason(s):

- Insufficient information provided for consideration.
- The applicant has not sufficiently demonstrated that the development won't affect neighbouring property, further details are required. This location does have a flood history and the development is proposed within floodplain. No development will be permitted without prior LPA approval of a fully detailed drainage proposal and flood mitigation scheme.
- The dwelling is removing an area of floodplain that needs to be off-set by a respective reduction of ground levels elsewhere within the application site. Full details are required to indicate where land levels around the dwelling are being reduced to compensate for the loss of floodplain, providing evidence that the overall development will not displace potential standing flood water to neighbouring properties.
- Applicant to retain any existing overland flow routes will across the proposed development site to allow for land to drain after a flood. The applicant needs to demonstrate that the development will not impede flows and will not cause any nuisance flooding to any neighbouring properties.
- Applicant to provide a full site survey of the existing site topography showing the development boundary and an indicative grid of levels throughout the existing site, without any changes, to give an accurate representation of the current site conditions.
- Applicant to provide a fully detailed drainage proposal drawing, clearly annotated with all proposed attenuation measures including any asset levels (cover, soffit and invert, as appropriate). All drainage proposals to be supported by construction details.
- No pumped surface water drainage systems will be permitted.
- There is no public surface water drainage system shown to be connected directly adjacent or within the property boundary. Details of the proposed off-site surface water connection to be provided, to include the route of the surface water connection, outside of the application boundary to its outfall (known Thames Water owned asset). Details of the discharge route to include pipe sizes, levels, locations of any on-line access chambers and any other known property or asset connections to the pipework.

- Details of the existing, retained property surface water drainage systems to be provided.
- Any new habitable buildings within the proposed development outline to have a minimum FFL of 62.1m AOD.
- As the site is liable to flood, all foul drainage systems are required to have suitable protection to prevent surface water ingress. Full details of the foul drainage system to be provided.
- Applicant is required to agree a suitable development schedule with the LPA to ensure that the drainage scheme is undertaken before any increase of risk including the retention of floodplain capacity, ensuring attenuation for the building footprint during construction, and for maintenance of overland flood routes that allow neighbouring land to drain. If the LPA agreed drainage scheme cannot be implemented prior to the building due to site constraints, a programme of temporary works will need to be agreed with the LPA to demonstrate that the working methods throughout the development period will not increase flood risk to neighbouring properties.
- Maintenance schedule for the joint development drainage responsibilities will need to be provided once the fundamental scheme details are agreed with the LPA. The schedule details provided for consideration should replicate the documentation to be provided to all property purchasers and include copies of the approved drainage layout plan, construction details, and ongoing maintenance responsibilities. The maintenance schedule should clearly state the periodic maintenance required for all identity referenced assets and apportion the financial responsibilities for the properties served, should any expense be incurred by future repair or replacement work.
- All agreed land levels to be maintained in perpetuity. All drainage systems, porous surfaces, attenuation volumes and floodplain mitigation assets to be maintained throughout the lifetime of the development.
- Full site drainage and flood mitigation works to be completed, in accordance with final LPA approved drainage submission drawings, prior to first occupation.

ADDITIONAL REASON FOR REFUSAL

As such a reason for refusal on drainage grounds is proposed as follows:

6. The majority of the site is located within Flood Zone 2. In the absence of a detailed drainage proposal and flood mitigation scheme it has not been adequately demonstrated that the proposal would be acceptable in flood risk terms in relation to the site and neighbouring properties. As such the proposal would conflict with the objectives of Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 and the National Planning Policy Framework/Practice Guidance.

UPDATE 14 JANUARY 2020

The landowner has submitted a detailed Planning Rebuttal in response to the agenda report. This has also been circulated to councillors. The rebuttal criticises the content of the report and alleges that the case officer has thwarted the application process and failed to engage with the applicants. These comments are being dealt with separately. In the officers' opinion none of the matters raised change the planning merits of the proposal nor the updated recommendation as reported to the December meeting."

As the application had triggered the Council's Public Speaking Scheme, Mr Mark Brown spoke in objection to the application and Mr David Allen spoke in support of the application on behalf of the agent.

The officer recommendation to refuse the application was proposed by Councillor Graham Tapper, seconded by Councillor Cliff Betton, and put to the vote and carried.

RESOLVED that application 20/0153 be refused for the reasons as set out in the officer's report.

Note 1

It was noted for the record that:

- I. Councillor Edward Hawkins declared that:
 - i. the landowner of the site was known by himself and several members of the Committee; and
 - ii. members of the Committee had received correspondence from the landowner on the application.
- II. Councillor Darryl Ratiram declared that he would be voting in abstention on the application for the reasons that he had declared during the 17 December 2020 Planning Applications Committee Meeting.

Note 2

A roll call vote on the application was conducted and the voting was as follows:

Voting in favour of the officer recommendation to refuse the application:

Councillors Graham Alleway, Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Robin Perry, Morgan Rise, Graham Tapper, Victoria Wheeler and Valerie White.

Voting against the recommendation to refuse the application:

Councillor Peter Barnett

Voting in abstention on the recommendation to refuse the application:

Councillor Darryl Ratiram.

**47/P Update on the Planning Inspectorate's decision on
APP/D3640/W/20/3248476: Woodside Cottage Chapel Lane, GU19 5DE**

The Committee received a verbal update on the Planning Inspectorate's appeal decision on APP/D3640/W/20/3248476 Woodside Cottage (planning application 19/0235), from the Executive Head of Regulatory.

It was explained to the Committee why the Council had chosen not to actively defend the Committee's reasons for refusal. In addition it was underlined that the decision letter issued by the Planning Inspector stated that the Council had responded reasonably and responsibly given the change in situation in respect of its 5 year housing land supply.

Going forward, the importance of having a 5 year housing land supply was reemphasised. In addition it was noted by the Chairman that the topic of planning appeals would be discussed at the Governance Working Group and that there would be future training for Members on constructing defensible reasons for refusal.

RESOLVED that the update be noted.

Chairman