

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 8 December 2020

Present:

Cllr G G Chrystie (Chairman)
Cllr S Hussain (Vice-Chair)

Cllr T Aziz	Cllr C Rana (substitute for Cllr N Martin)
Cllr A J Boote	Cllr G S Cundy
Cllr L S Lyons	Cllr M A Whitehand
Cllr L M N Morales	

Absent: Councillors N Martin.

1. ELECTION OF VICE-CHAIRMAN

At the Council meeting on 3 December 2020 it was agreed that the membership of the Planning Committee would change and as a result a new vice-chairman would need to be elected.

Councillor A Boote nominated and Councillor Morales duly seconded for Councillor S Hussain to be elected vice-chairman for the remainder of the municipal year.

Councillor G Cundy nominated and Councillor C Rana duly seconded for Councillor G Cundy to be elected vice-chairman for the remainder of the municipal year.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the nominations above. The votes in support of each nomination were recorded as follows.

Councillor S Hussain: Cllrs T Aziz, A J Boote, G Chrystie, S Hussain, L Morales and M Whitehand.

TOTAL: 6

Councillor G Cundy: Cllrs G Cundy and C Rana.

TOTAL: 2

Abstain: Cllr L Lyons.

TOTAL: 1

Councillor S Hussain was elected vice-chairman for the remainder of the 2020/21 municipal year.

1a. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10 November 2020 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

In accordance with the Officer Procedure Rules, Douglas Spinks, Deputy Chief Executive, declared a non-pecuniary interest in item 6c. 2020/0606 8 Randolph Close, Woking arising from his position as a Council appointed Director of Thamesway Group Companies. The interest was such that it would not prevent the Officer from advising on these items.

In accordance with the Officer Procedure Rules, Peter Bryant, Director of Legal and Democratic Services, declared a non-pecuniary interest in item 6c. 2020/0606 8 Randolph Close, Woking arising from his position as a Council appointed Director of Thamesway Developments Ltd. The interest was such that it would not prevent the Officer from advising on these items.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. PLANNING AND ENFORCEMENT APPEALS

The Committee received a report on the planning appeals lodged and the appeal decisions.

RESOLVED

That the report be noted.

6. PLANNING APPLICATIONS

The Committee determined the following applications subject to the conditions, informatives, reasons for refusal or authorisation of enforcement action which appear in the published report to the Committee or as detailed in these minutes.

6a. 2020/0801 Land to the north of Old Woking Road and east of Station Approach, West Byfleet

[NOTE 1: Members received a Written Update in respect of this item prior to the opening of the meeting; the Written Update was made publicly available online prior to the opening of the meeting.]

[NOTE 2: During the debate on this item, a Member referred to the location of the post office. The following interest was then declared;

In accordance with the Member Code of Conduct, Councillor S Hussain, declared a non-pecuniary interest in this item arising from him owning a post office in Knaphill. The interest was such that it would not prevent Councillor S Hussain from speaking or voting on the item.]

The Committee considered an application which proposed minor but material amendments to the approved, extant, outline planning permission PLAN/2017/0128 through the variation of conditions attached to that permission. The full list of revisions were set out under 'Proposed Development'. Although the application was in outline (as per PLAN/2017/0128) the Parameter Plans submitted, and which were sought to be varied, provided the framework within which future detailed design could be brought forward. Along with the Design Code (also sought to be varied) the Parameter Plans form a 'control' document, which any future reserved matters application(s) would need to comply with. The Parameter Plans outlined how the parameters for the proposed development were to be defined. Specifically the parameters outlined established the minimum and maximum floor areas proposed for each use, the minimum and maximum dimensions of the main plots of development proposed (including heights above ground level) and the pedestrian movement routes through the site. The parameter plans were intended to strike a balance between providing flexibility to allow the development to evolve during the preparation of future reserved matters application(s), whilst providing sufficient design detail against which to appropriately determine the application and set a defined framework for determination of future reserved matters application(s).

Following a query from the Chairman regarding the demolition of the site, the Planning Officer confirmed that the applicant had prior approval for demolition and therefore could commence this as and when they saw fit. Initially it had been indicated that demolition would take place between October 2020 and June 2021.

Councillor A Boote, Ward Councillor, welcomed the proposed development of the Sheer House site, however she raised some concerns and asked the Planning Officer for clarification and reassurance on these points. Regarding concerns about the line of sight between the new public square and the church, the Planning Officer explained that the primary change in massing was restricted to Block B which meant that there was no effect to the line of sight from the new public square to the church over and above approved PLAN/2017/0128 and that the changes to the massing's of Blocks A and C would have no material impact – over and above approved PLAN/2017/0128 - in respect of the line of sight from the new public square to the church. Councillor A Boote was keen that the materials used for the development were in keeping with the surrounding area, however the Planning Officer clarified that the application of building materials would be considered under reserved matters, albeit were controlled by the Design Code (the primary building material of which remained unaltered from PLAN/2017/0128), and therefore would not be considered in detail at this outline stage. Regarding the Councillors concern about protecting the longevity of the retail space, the Planning Officer explained that the applicant had provided current market evidence, through a local chartered surveyor, regarding the amount of retail floor space that West Byfleet required. It was noted that what was now proposed was considered more appropriate to the current West Byfleet retail market. Planning Officers were satisfied that sufficient evidence and reason had been submitted by the applicant to support the reduction in retail space in comparison to PLAN/2017/0128. It was noted that the post office and chemist could not be required to locate onto the developed site in planning terms, as this was not a planning issue, however there was space for them to do so if they wished.

Following a query regarding CIL the Planning Officer explained that C2 class was not liable for CIL payment. The Committee also heard that the Government had recently made

changes to the Use Classes Order to permit flexibility and allow town centres to respond more readily to changes in the market.

Some Members commented that this was a perfect location for this type of residential accommodation and looked forward to seeing the detail of the Reserved Matters application(s).

The Committee welcomed the additional community space that this development would provide.

Councillor L Lyons queried whether providing a residential retirement development was a way for a developer to side step the affordable housing obligation. The Planning Officer confirmed that this was certainly not a loophole and confirmed that the units could only be occupied in the way set out in the S106 agreement. This was very tightly controlled by the Council and the Planning Officer was confident to provide assurance on this. It was noted that the apartments would likely be a mixture of for sale and rental although that was a commercial decision for the applicant

Following a query the Planning Officer confirmed that there were no artistic impression images at this stage and that the detail of the elevations would be provided and considered under reserved matters application(s), albeit in accordance with the Parameter Plans and Design Code. The LPA was working with the applicant closely and with the Woking Design Review Panel to progress this.

The Planning Officer explained that any re-provision of the library within the development was largely a matter for Surrey County Council (as the library operator) although there was space available within the development to re-provide the library and Officers and the applicant were liaising with Surrey County Council in this respect

Members queried whether anything could be done to mitigate the loss of parking while the development was in construction. The Planning Officer confirmed that there would be a certain amount of disruption caused by this development, including the parking. Currently there were no specific suggestions on how or if this could be mitigated although the applicant and Officers would review potential options. The Committee were reminded that the proposal before them would cause no greater disruption to the parking situation than the previous extant approved application.

RESOLVED

That outline planning permission be GRANTED subject to:

- (i) Planning conditions set out in the report (and as amended by the Written Update); and
- (ii) Section 106 Legal Agreement to:
 - Control the nature of the development and its occupation, including restrictions on age(i.e. 65+ years), requirement for care, necessity for health assessment and provision of personal care (including a requirement for future residents to secure the provision of at least a basic care package, including minimum hours of personal care each week)in respect of the primary resident of each C2 unit, the provision of access to communal facilities for future residents and of a staffed reception / management suite and office to provide day to day assistance for residents of the C2 units and to coordinate and

organise the provision of personal care to each primary resident; including liaison with the Care Agency(registered with the Care Quality Commission), details of the operation of the management company to be established to manage the C2 units and communal facilities and that permanent residential staff accommodation must not be provided;

- Secure the provision of public access to the new public square at all times and for the lifetime of the development (as per PLAN/2017/0128); and
- Secure replacement public car parking spaces for public access at agreed times and for the lifetime of the development (as per PLAN/2017/0128).

6b. 2020/1017 1-11 Guildford Road and RSP House, Victoria Road

[NOTE: The Planning Officer reported that since the report had been published a consultation response had been received from Environmental Health and Surrey Wildlife Trust; both raised no objections.]

The Committee considered an application which sought Prior Approval for the demolition of No's 1-11 Guildford Road and RSP House on Victoria Road in Woking Town Centre under the provisions of, Class B (demolition of buildings) Part 11, Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application was received on 13/11/2020 and the Local Planning Authority (LPA) had 28 days in which to make a decision as to whether the Prior Approval of the authority would be required as to the method of demolition and any proposed restoration of the site. If the LPA failed to make a determination within the 28 day period then the applicant would be entitled to proceed with the demolition.

Councillor L Lyons, Ward Councillor, commented that he had received representation from a number of residents who were concerned that the heritage features of this shop front would be lost. Councillor L Lyons suggested the proposals in the report were contrary to advice provided from Historic England and he was not convinced that sufficient consideration had been given to the value of the site in relation to the heritage status.

The Planning Officer commented that it was understood the applicant's intention was to salvage any materials of historic value before demolition which would be donated to museums and the like. Thomas James, Development Manager commented that as the application before the Committee was for prior approval, there were only a very narrow set of points that it could be assessed against.

Councillor L Lyons stated that he would be unable to support the recommendation and asked for a named vote on the matter.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the recommendation. The votes for and against prior approval not required for the application were recorded as follows.

In favour: Cllrs T Aziz, G Chrystie, G Cundy, S Hussain, L Morales, C Rana and M Whitehand.

TOTAL: 7

Against: Cllr A J Boote and L Lyons.

TOTAL: 2

Present but not voting: None

TOTAL: 0

Prior Approval was therefore not required for the application.

RESOLVED

That prior approval not required.

6c. 2020/0606 8 Randolph Close, Woking

The Committee considered an application for a temporary storage shed for a motorised disability scooter in the front garden and associated hard standing (Retrospective).

The Committee members commented that it was regretful that this was a retrospective application as it did not allow them to consider the appearance of the shed. Members agreed that this temporary storage shed was needed by the disabled resident and that there was no alternative suitable location for it. It was noted that a condition was included that would see the removal of the shed at the point the current resident no longer resided at the property.

RESOLVED

That planning permission be GRANTED.

6d. 2019/1168 23 Bentham Avenue, Sheerwater

The Committee considered an application which sought permission to convert the existing three bedroom family dwelling into a pair of flats at ground and first floor with the erection of a part two storey part single storey rear extension.

The application had been called to the Planning Committee at the request of Councillor T Aziz, who disagreed with most of the points raised by the Planning Officer regarding why this application should be refused. Councillor T Aziz stated that there were other subdivided properties in the area and that as there was no front or side extension proposed, this would not change or harm the street scene. The Planning Officer concurred that there were similar developments in the Borough however the introduction of a flatted development on this street was unacceptable, as it would undermine the established character of the area and there was no history of the conversion of single family dwellings on this street. Councillor T Aziz thought that this kind of development should be encouraged as it would provide two reasonable sized family dwellings. He also commented that the surrounding area should be taken into consideration, not just this street, when looking for a precedent in subdivision of property. Councillor T Aziz did not consider the proposal to be overbearing to neighbouring properties, a view that was disputed by the LPA. The Planning Officer commented that the extension was a depth of 7m, which would have an overbearing impact on neighbours (as set out in the report) and it would also set an undesirable precedent in the street; if this was allowed it would be almost impossible to refuse further subdivisions on the same street.

The Planning Officer explained that Policy DM11 required each residential unit to have a section of private amenity space, which the application did not. It was considered that the lack of private amenity space for one or both of the proposed units resulted in a poor standard of amenity for future residential occupiers.

Councillor T Aziz proposed and it was duly seconded by Councillor A Boote that the application be approved.

Debate continued.

Some Members supported the Planning Officer recommendation and commented that the extension would be overbearing and the lack of amenity space was unacceptable.

It was noted that the applicant had circulated to the Planning Committee a proposed solution to provide a private amenity space to both flats. This plan had not been formally submitted to the LPA and a number of Members confirmed that they had not seen it. Peter Bryant advised the Committee that they could not take the proposed plan into account in their determination of the application as it had not been formally submitted to the LPA and not everyone had sight of it. It would be considered wholly unreasonable to take account of this plan when voting.

Following a suggestion from the Committee, Thomas James, Development Manager confirmed that it would not be appropriate to make a decision on the application and leave the amenity space provision subject to a condition. The amenity space plan must be submitted to the LPA formally so that it could be given appropriate consideration by Planning Officers.

On receiving this advice, Councillor T Aziz withdrew his motion to approve the application, supported by Councillor A Boote. Councillor T Aziz proposed and Councillor A Boote duly seconded that the application be deferred to allow the applicant time to formally submit the proposed amenity space plans and come back to a future Planning Committee meeting for determination. It was noted that if the motion was supported, the application would need to be debated in full not just on the grounds of the amenity space.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the motion above. The votes for and against deferral of the application were recorded as follows.

In favour: Cllrs T Aziz, A J Boote, G Chrystie, S Hussain, L Morales and C Rana.

TOTAL: 6

Against: Cllrs G Cundy and L Lyons.

TOTAL: 2

Present but not voting: Cllr M Whitehand.

TOTAL: 1

The application was therefore deferred.

RESOLVED

That the application be deferred.

6e. ENF/18/00130 1 Hermitage Bridge Cottages

The Committee considered the report which proposed direct action against the owner of the land due to the continued failure to comply with an Untidy Site Notice issued under S215 Town and Country Planning Act 1990 (TCPA).

RESOLVED that

- (i) Authority be granted to proceed with direct action under S219 of the TCPA 1990 in order to undertake the outstanding steps required by the notice, as set out in section 4 below, paragraphs (i) to (iv); and
- (ii) Recover from the owner of the land any expenses reasonably incurred by the Council for carrying out the works required by the Notice, including registering a charge against the land if necessary

6f. ENF/18/00021 Land adjacent to Hoe Stream and west of Smarts Heath Road

The Committee considered the report which sought their approval for Enforcement Action on unauthorised boundary treatment comprising fencing, walled entrance with pillars and large gates and an area of hardstanding to remedy the breaches of planning control including proceedings in the Magistrates Court.

RESOLVED that an Enforcement Notice would be issued in respect of the above land requiring the following within two months of the notice taking effect;

- i) Remove the brick walls, pillars and iron gates at the front entrance to the site;
- ii) Remove the close boarded fencing measuring approximately 1.8m high and extending for a length of approximately 24m fronting Smarts Heath Lane and Kemishford;
- iii) To remove the hardstanding located to the south of the yard area; and
- iv) To remove from the land all materials, rubble and debris including all associated paraphernalia arising from compliance with the above

The meeting commenced at 7.00 pm
and ended at 11.05 pm

Chairman: _____

Date: _____