

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 20 July 2021

Present:

Cllr L M N Morales (Chairman)

| | |
|-----------------|----------------|
| Cllr A J Boote | Cllr N Martin |
| Cllr J Brown | Cllr C Rana |
| Cllr S Dorsett | Cllr D Roberts |
| Cllr D E Hughes | |

Also Present: Councillor S Hussain.

Absent: Councillor T Aziz.

1. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 29 June be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor T Aziz.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

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. 2021/0281 SDC Southern, 90 High Road, Woking

[NOTE 1: The Planning Officer advised that the Government had today revised the National Planning Policy Framework. The principal amendment introduced a requirement that Local Planning Authorities should prepare design guides or design codes which were consistent with a national model design guide and which would reflect local character and design preferences. Officers had considered the amendments and advised that they did not change the conclusion of the assessments and any of the recommendations following on the Agenda.]

[NOTE 2: In accordance with the procedure for public speaking at Planning Committee, Ms Jane Warner attended the meeting and spoke in objection to the application and the applicant chose not to address the Committee.]

The Committee considered an application for the demolition of existing commercial unit and erection of two storey building containing 3no. one bedroom flats and 1no. studio flat (class C3), 1no. commercial unit (class E), with associated parking and landscaping.

The Chairman said that surface water flooding had been observed in this area only last week and commented that this was being seen far more regularly and was not the once in 1000 years event noted. The Planning Officer advised that a climate change allowance had been applied to the application to reflect the changes we were seeing in flooding events.

Councillor A Boote, Ward Councillor, commented that she was also concerned about the flooding risk and that this must be taken into account. The Ward Councillor was worried about the impact this development would have on neighbouring properties in Beech Close and also the parking, which although it met our parking standards, what was proposed was woefully inadequate in this area. Councillor A Boote raised concerns around density, overlooking impact on 92 Beech Close, no amenity and also that some of the accommodation was below standard. The junction at Beech Close was already quite dangerous and the Councillor thought that this development would make it worse. Councillor A Boote stated that she would not support the application for these reasons.

The Planning Officer commented again on the flood risk concerns and it was noted that the condition regarding this was pre-commencement, so Officers would need to be happy with whatever flood risk mitigation was submitted before the development could go ahead.

The Planning Officer advised that there would be some overlooking from the balconies onto the facades of the neighbouring properties, but this had been assessed and considered acceptable.

Regarding the density the Planning Officer explained that as the development was within Byfleet centre there was a level of sustainability for this development, but the Committee would need to decide whether this had a detrimental impact on the character of the area.

Members of the Committee supported the concerns raised by the Ward Councillor and a number re-iterated these again in their comments.

Councillor J Brown proposed and it was duly seconded by Councillor A Boote that the application be refused on the grounds of overdevelopment – out of character, bulk, mass, flat size and the absence of the standard SPA Legal agreement. Following advice from the Planning Officer, Councillor J Brown had agreed to remove parking from his reason for refusal as this would be difficult to defend on appeal.

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 refusal of the application were recorded as follows.

In favour: Cllrs J Brown, A Boote, S Dorsett, D Hughes, N Martin, C Rana and D Roberts.

TOTAL: 7

Against: None

TOTAL: 0

Present but not voting: Cllrs L M N Morales (Chairman)

TOTAL: 1

The application was therefore refused.

RESOLVED

That planning permission be REFUSED.

6b. 2021/0014 5 Barrens Close, Woking

[NOTE: There were no public speakers registered for this application.]

The Committee considered an application which sought proposed two storey side extension and detached garage.

Following a query, Planning Officers confirmed that the modified plans had been received and these were those being considered by the Committee. The Planning Officer advised that in their opinion, the amendments had not overcome the concerns.

RESOLVED

That planning permission be REFUSED.

6c. 2021/0455 Deep Pool Farm, Deep Pool Lane, Woking

The Committee considered an application which sought a change of use of land from agricultural use to a mixed agricultural and private equestrian use.

Following a query the Planning Officer confirmed that the applicant would still be bound by the Rights of Way Regulations and that there was an Informative regarding this.

RESOLVED

That planning permission be GRANTED subject to conditions.

6d. 2021/0188 Garages and land rear of Sussex Court, Woking

[NOTE: The Planning Officer advised the Committee of an update to the report; in paragraphs 41 and 42 the date should read 12 February 2020, not 2021.]

The Committee considered an application for the erection of two two-bedroom single storey dwellings with associated hard and soft landscaping following demolition of existing garage block.

Councillor S Hussain, Ward Councillor, commented that this site had been subject to many applications and he did not think the previous reasons for refusal had been overcome. He also commented that different inspectors had different outlooks on what was acceptable and what was not. Councillor S Hussain urged the Committee to consider refusal.

The Planning Officer advised Members that the last application on the site which had been refused by the Committee, had gone to appeal. Although the inspector dismissed the appeal it was only on the grounds of the legal issue. As such the previous reason for refusal had been overcome by way of appeal.

The Chairman queried whether any policies had changed since the last application and the Planning Officer confirmed that the NPPF had changed as reported earlier in the meeting, but there was nothing material that would affect this application.

Some Members were minded to refuse the application although Dan Freeland, cautioned them strongly against this as in light of the inspectors appeal decision it was highly likely that the Council would have costs awarded against them. It was also noted that costs tended to be significantly high in these matters. The inspector's decision must carry significant weight.

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

In favour: Cllrs D Hughes, L Morales (Chairman) and D Roberts.

TOTAL: 3

Against: None

TOTAL: 0

Present but not voting: Cllrs J Brown, A Boote, S Dorsett, N Martin and C Rana.

TOTAL: 5

The application was therefore approved.

RESOLVED

That planning permission be GRANTED subject to conditions and S106 Agreement.

6e. 2020/1045 Whitfield Court, Littlewick Road, Woking

The Committee considered an application for the erection of a new single storey dwelling house, within the grounds of Whitfield Court (a Grade II* listed building), following removal of existing builder's yard.

Councillor S Hussain, Ward Councillor, spoke in support of the application and commented that the new dwelling would be in the footprint of the builder's yard. There have been no objections from neighbours regarding the greenbelt and you would not be able to see the new dwelling house from outside the curtilage. The current owners of Whitfield Court maintained the site well and Councillor S Hussain thought that putting the builder's yard back into dwelling use would reduce vehicular movement on the site. He asked the Committee to seriously consider approval of this application.

The Planning Officer advised that they had considered whether very special circumstances exist in this situation and it was concluded that they did not. It was noted that there was vehicle movement within the builder's yard, however it was considered that this would be at a very similar level with the new dwelling. Committee members were reminded that the current owner's family situation carried no weight in planning consideration and that the members must not take this into account this when determining this application. Planning Officers advised that the bulk and mass of the dwelling house would be considerably more harmful to the green belt than the current fence.

Following a question the Planning Officer confirmed that a certificate of lawfulness had been submitted for the builder's yard in 2020. This was retrospective, but the owners could demonstrate the yard had been operating for more than 10 years, which meant enforcement action could no longer be taken.

Some Councillors commented that it was subjective, however they thought that a dwelling would be preferable to a builder's yard on the site.

Although comments had been made regarding the new dwelling house using the grounds of the current dwelling as amenity space, the Chairman reminded Members that the proposed dwelling house was not set within the red line of the current dwelling house. This meant that although the intention of the current owners was to occupy the property themselves, if the application was approved by the Committee there was nothing to stop the new dwelling house being sold. As it stood in the current application, the proposed dwelling had no amenity space provided.

The Chairman also commented that approving such an application could set a precedent which could open up more green belt development proposals which could be quite dangerous. Dan Freeland supported what the Chairman had said and reiterated that the view of the Planning Officer was that the very special circumstances had not been achieved to allow this development on the green belt.

It was once again stated by the Chairman that the amenity space of the neighbouring property could not be considered as part of this application. If the red line was round the whole Whitfield Court site, then this application could be considered as a 'Granny Annex', but in its current form it had to be considered as a completely separate dwelling house to that of Whitfield Court.

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

In favour: Cllrs D Hughes, L Morales (Chairman) and D Roberts.

TOTAL: 3

Against: None

TOTAL: 0

Present but not voting: Cllrs J Brown, A Boote, S Dorsett, N Martin and C Rana.

TOTAL: 5

The application was therefore refused.

RESOLVED

That planning permission be REFUSED.

6f. 2021/0313 21 Glendale Close, Woking

The Committee considered a retrospective application for the raising of the rear garden level and erection of retaining walls and fencing. The application was submitted as the result of an enforcement enquiry.

RESOLVED

That planning permission be GRANTED.

6g. ENF/21/00011 21 Whopshott Avenue, Woking

The Committee considered a request for enforcement action regarding an unauthorised change of use of amenity land to residential garden and the erection of a fence.

RESOLVED that

1. An Enforcement Notice be issued in respect of the above land requiring the following within three months of the notice taking effect:
 - a) Permanently remove from the land the 1.95m high close boarded timber fence, concrete posts and gravel boards erected along the boundary of the amenity land;
 - b) Cease the use of the amenity land as residential garden;
 - c) Re-instate the approved boundary of the residential curtilage with a wall or fence no greater than 2m in height; and
 - d) Remove from the land all material, rubble, debris and paraphernalia arising from compliance with the above.

2. The Director of Democratic and Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under Section 179 of the Town & Country Planning Act 1990 or appropriate power and/or take direct action under Section 178.

6h. COND/20/0127 Poole Road, Woking

The Committee considered an application for approval of details pursuant to condition 15 (Acoustic insulation etc) of PLAN/2018/1362 dated 22.03.2019 (Erection of building containing 2658 sq.m GIA energy centre (flexible Sui Generis/Class B1), installation of 3 No. thermal store vessels and ancillary infrastructure structures, including above ground pipework. Associated installation of subterranean district heating main and private wire electricity cables beneath Poole Road, Goldsworth Road and Church Street West).

RESOLVED

That the details submitted be APPROVED.

6i. COND/21/0098 Poole Road, Woking

The Committee considered an application for approval of details pursuant to condition 29 (Contamination remediation validation report) of PLAN/2018/1362 dated 22.03.2019 (Erection of building containing 2658 sq.m GIA energy centre (flexible Sui Generis/Class B1), installation of 3 No. thermal store vessels and ancillary infrastructure structures, including above ground pipework. Associated installation of subterranean district heating main and private wire electricity cables beneath Poole Road, Goldsworth Road and Church Street West.)

RESOLVED

That the details submitted be APPROVED.

6j. COND/21/0103 Poole Road, Woking

The Committee considered an application for approval of details pursuant to conditions 03(e) (External Construction Detailing; Fencing and Means of Enclosure) and 17 (External lighting) (revised details to supersede those previously approved for both) of PLAN/2018/1362 dated 22.03.2019 (Erection of building containing 2658 sq.m GIA energy centre (flexible Sui Generis/Class B1), installation of 3 No. thermal store vessels and ancillary infrastructure structures, including above ground pipework. Associated installation of subterranean district heating main and private wire electricity cables beneath Poole Road, Goldsworth Road and Church Street West).

RESOLVED

That the details submitted be APPROVED.

6k. COND/21/0086 Sheerwater, Woking

The Committee considered an application for partial approval of details pursuant to Conditions 30 (Archaeology) and 31 (Archaeology for phase 1c) for phase 1c (Copper) only of planning permission PLAN/2018/0374 for the Sheerwater Regeneration.

RESOLVED

That the details submitted be APPROVED.

6l. COND/21/0091 Sheerwater, Woking

The Committee considered an application for partial approval of details pursuant to Condition 33 (decommissioning and commissioning of roads) for Phase 1c (Copper) only of planning permission PLAN/2018/0374 for the Sheerwater Regeneration.

RESOLVED

That the details submitted be APPROVED.

6m. COND/21/0061 Sheerwater, Woking

The Committee considered an application for partial approval of details pursuant to Conditions 25 (contamination), 26 (archaeology), 42 (biodiversity enhancements), 44 (Landscape and Ecological Management Plan) and 40 (bats) for the Leisure centre car park only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

RESOLVED

That the details submitted be APPROVED.

6n. COND/21/0051 Sheerwater, Woking

The Committee considered an application for partial approval of details pursuant to Conditions 16 (Construction and Environmental Management Plan (CEMP)) and 17 (Construction Transport Management Plan (CTMP)) for the Leisure Centre Car Park phase only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

RESOLVED

That the details submitted be APPROVED.

6o. COND/21/0104 Sheerwater, Woking

The Committee considered an application for partial approval of details pursuant to Condition 96 (external lighting) for the Leisure Centre Car Park only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

RESOLVED

That the details submitted be APPROVED.

7. SCHEME OF DELEGATION

Under the scheme of delegation, applications for approval of details reserved by condition submitted by Woking Borough Council and their companies/entities need to be reported to Planning Committee for determination. For the period between 20 July and 7 September committee meetings, which is 7 weeks, no decisions on these applications can be made

which will result in delays on Council projects. To avoid these delays and to ensure these applications are determined in a timely manner, it is proposed to allow these types of applications to be delegated to the Development Manager for determination which will be in consultation with the Chairman of the Planning Committee for this 7 week period.

RESOLVED that the Committee RECOMMEND TO COUNCIL

That applications for approval of details reserved by condition submitted by Woking Borough Council and their companies/entities are delegated to the Development Manager for determination in consultation with the Chairman of the Planning Committee (or in her absence, the Vice-Chairman) for a temporary period until the 7 September 2021 Planning Committee.

The meeting commenced at 7.00 pm
and ended at 8.45 pm

Chairman: _____

Date: _____