

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 7 June 2022
Present:

Cllr L M N Morales (Chairman)
Cllr T Aziz (Vice-Chair)

Cllr A J Boote	Cllr P J T Graves
Cllr J Brown	Cllr S M Oades
Cllr G T Cosnahan	Cllr T G Spenser (Items 1 - 6d)
Cllr S Dorsett	Cllr M A Whitehand

Also Present: Councillor L Lyons.

1. MINUTES

RESOLVED

That the minutes of the meetings of the Committee held on 22 March 2022 and 23 May 2022 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

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. 2022/0397 Junction of York Road/Montgomery Road, Woking

[NOTE 1: In accordance with the procedure for public speaking at Planning Committee, Mr David Noakes attended the meeting and spoke in objection to the application. The applicant/agent was not present to speak in support.]

[NOTE 2: The Planning Officer advised the Committee that twenty-seven additional letters of objection had been received which mainly reiterated the comments already summarised within the representations section of the report.]

The Committee considered an application that sought prior approval for a proposed 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.

Then Chairman had asked for an explanation as to why other locations had been discounted. This information was included in detail on a slide in the Planning Officers presentation. The Chairman questioned whether 5G masts could be erected on top of buildings; the Planning Officer did not know what the options would be regarding this or whether the applicant had considered it.

Following a question regarding the height of the tree on the plan in relation to the 5G mast, the Planning Officer confirmed that the mast would need to project higher than the tree to allow it to function.

Some members felt like alternatives sites had not been considered fully and queried why the aggregates yard had not been considered. The Planning Officer advised that the aggregates site was allocated under the Site Allocations DPD and the installation of such a mast would be likely to have an impact on future residential layout of this site. Policy MC16 of the Surrey Minerals Plan meant that this site was safeguarded for development.

Some Members commented that the Committee needed to consider whether this would harm the character of the area; otherwise, the application needed to be considered as it was before them, and the Committee did not have the remit to suggest alternative sites. The NPPF also confirmed that the international position on 5G masts was that they were certified as safe; the Committee members and Officers did not have the technical knowledge to argue otherwise.

The majority of Members had sympathy with the Objector, however as the application was for prior approval, there was very little scope for the Committee to object.

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

In favour: Cllrs T Aziz, A Boote, G Cosnahan J Brown, S Dorsett, L Morales (Chairman), P Graves, T Spenser and M Whitehand.

TOTAL: 9

Against: Cllr S Oades.

TOTAL: 1

Present but not voting: None

TOTAL: 0

The application was therefore approved.

RESOLVED

That prior approval be granted.

6b. 2022/0264 1 Creswell Corner, Anchor Hill, Knaphill

[NOTE: The Planning Officer proposed an additional condition as set out below;

Within three months of the date of this decision full details of Sheffield cycle stand(s) (including positioning, height and design) must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority the new Sheffield cycle stand(s) must be installed within two months of the details being approved and must thereafter be permanently retained and maintained for the lifetime of the use hereby permitted.

Reason: To promote the use of more sustainable modes of transport than the private motor vehicle in the interests of highway and pedestrian safety and the amenities of the area in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Hot Food Takeaway (2014) and the provisions of the National Planning Policy Framework (NPPF).

The Committee considered an application for the change of use from Class E (Commercial, Business and Service) to hot food takeaway (Sui Generis) with a fan grille extractor opening to the rear.]

The Chairman commented that the previous application had been turned down and queried what had significantly changed. The Planning Officer advised that there was a large flue in the previous application that had now been removed, reduced opening hours and there was now a proposal for cycle parking.

Following a question regarding the decibel levels of the fan system, the Planning Officer explained that as part of the proposal, details of a silencer and frequency bands must be submitted; this was a condition recommended by Environmental Health. Refrigeration units would also now be placed internally within the premises. The Planning Officer was confident that any adverse noise levels would be covered by the conditions. Regarding how compliance would be checked, the Planning Officer commented that any neighbour complaints would be followed up and maintenance records of the extraction system would be checked.

Members queried why there was no longer any highways concerns for the current application. The Planning Officer explained that on the refused application, Surrey Highways had requested bollards to be installed, although when the applicant had not provided a scheme for bollards Surrey Highways did not raise an objection to the refused

application. The Planning Officer advised that the applicant was now proposing bollards Surrey Highways had raised no objection to the current application.

Following a comment regarding the concentration of takeaways in the vicinity, the Planning Officer commented that the previous application had not be refused on these grounds, so it would be unreasonable to refuse on these grounds now.

Following a question regarding increased litter bins for customers, the Planning Officer confirmed that there was currently no condition regarding this. However, if the Committee were minded to approve the application, a condition could be added.

Councillor M Whitehand, Ward Councillor, made comment regarding the antisocial parking and the dropped kerb. The Planning Officer advised that bollards could not obstruct a pedestrian dropped kerb, which was there for disability reasons. The Planning Officer commented that the proposed bollards would not prevent pulling up on the kerb, but that they would prevent pulling onto the pavement entirely. The Planning Officer advised that a scheme for bollards was to be secured via recommended condition.

Councillor M Whitehand, Ward Councillor, went on to comment that the application had been previously refused on the ground that living conditions of nearby accommodation and issues with on-street parking. The Councillor thought that these reasons had not been overcome.

Several Members, including the Ward Councillor, were unsure why the applicant had been allowed to trade before this application was approved. There were twenty-two letters of objection with very relevant concerns regarding the impact of this shop on residents, parking, strong cooking smells, noise etc. Members noted that many calls had been made to Environmental Health regarding health and issues with hygiene rating.

Councillor M Whitehand proposed, and it was duly seconded by Councillor S Dorsett, that the application be refused on the grounds that the application would adversely affect living conditions of the occupiers nearby in relation to noise and would exacerbate existing on-street car parking problems/pressure.

The Chairman commented that there was no evidence that parking issues were specifically related to this takeaway, as there was several shops on this parade and opposite.

The Planning Officer reminded the Committee that the premises could be used as a café/restaurant without any further planning permission and could operate at any times. If the application was refused, the takeaway would not cease trading instantly, an enforcement notice would need to be issued to require cessation of the takeaway use.

Members commented that residents were deeply concerned regarding traffic flow late at night. It was commented on that the bollards would not prevent mopeds/online delivery collection (such as Just Eat) from mounting, and parking on, the pavement entirely.

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, S Dorsett, P Graves, S Oades, T Spenser and M Whitehand.

TOTAL: 6

Against: Cllrs T Aziz, A Boote.

TOTAL: 2

Present but not voting: Cllrs G Cosnahan and L Morales (Chairman),

TOTAL: 2

The application was therefore refused.

RESOLVED

That the application be REFUSED

6c. 2022/0265 1 Creswell Corner, Anchor Hill, Knaphill

The Committee considered an application for Advertisement Consent for display of one externally illuminated fascia sign (retrospective).

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

In favour: Cllrs T Aziz, A Boote, G Cosnahan, L Morales (Chairman), P Graves, S Oades and T Spenser.

TOTAL: 7

Against: Cllr M Whitehand.

TOTAL: 1

Present but not voting: Cllrs J Brown and S Dorsett

TOTAL: 2

The application was therefore approved.

RESOLVED

That advertisement consent be GRANTED subject to recommended conditions.

6d. 2021/1316 The Mascot Harven School, Coley Avenue, Woking

The Committee considered an application for a Certificate of Lawfulness for the proposed use as a day school (Use Class F1).

Councillor L Lyons, Ward Councillor, commented that he considered this to be a material change in use and thought that this should be subject to a full planning application rather than just a Certificate of Lawfulness. There was a condition in the 1978 document that would be dropped in granting this Certificate of Lawfulness. Neighbours had concerns over parking issues and had concerns these issues could be made worse if this condition was dropped.

The Chairman asked for clarification on which part of the parking would be changed. Councillor L Lyons explained that the land at the front was protected as a car parking area and if the F1 use was approved today, then this could quite easily be dropped.

Following a request from the Chairman, Gareth John commented that the legal advice was that there was no conflict with the conditions attached to the existing planning permission for the property and these would continue to offer the same protection as currently.

Some Members had sympathy with the points raised by Councillor L Lyons but did not think there was anything that the Committee could do.

RESOLVED

That a Certificate of Lawfulness be GRANTED for the proposal.

6e. 2021/0942 29 Eve Road, Woking

The Committee considered an application for the erection of 3x two storey dwellings with accommodation in the roof space following demolition of the existing mixed-use units.

Following a question regarding distance between the existing dwelling and the proposed dwelling, the Planning Officer confirmed it was a distance of approximately 4m. There were no windows overlooking; it was acknowledged in the report that there was a close relationship, which could be softened with conditions.

Councillor T Aziz, Ward Councillor, had called this application before the committee. He commented that although this was a flood area, there had been no flooding on Eve Road for hundreds of years and the issue was in regard to flash flooding. He added that the applicant had offered an expensive solution to address any flooding issues, but he felt there had been a lack of communication between the Flood Risk Officer and the applicant. Councillor T Aziz proposed, and it was duly seconded by Councillor A Boote, that the application be deferred so that further discussion could take place between the applicant and the Flood Risk Officer.

Some Members thought that the proposed building would be an improvement to the current structure. The current amenity space was concreted, and it was suggested by Members, that perhaps turning these amenity areas into proper gardens would mitigate some of the flood risk. The Planning Officer confirmed that the soft landscaping would likely increase should this application be approved, however in their opinion this soft landscaping would not be sufficient to mitigate the flood risk problem. The Planning Officer commented that although a flood risk assessment had been submitted by the application, the Council Flood Risk Officer did not consider it to be acceptable.

It was noted several Members had not seen the Flood Risk Assessment and the Chairman advised them that this could be accessed through the Planning Portal online.

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 Boote, G Cosnahan, S Dorsett and P Graves.

TOTAL: 5

Against: Cllrs J Brown, S Oades and M Whitehand.

TOTAL: 3

Present but not voting: Cllr L Morales (Chairman).

TOTAL: 1

The application was therefore deferred.

RESOLVED

That the application be deferred for further discussion with the applicant to resolve the flooding issue.

6f. 2022/0247 SDC Southern, 90 High Road, Byfleet

[Note 1: The Planning Officer advised the Committee that one additional letter of objection had been received which mainly reiterated the comments already summarised within the representations section of the report.]

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

The Planning Officer reminded Members that the key issue in deciding the current application was whether the applicant had sufficiently overcome the reason that the Inspector had dismissed the previous appeal on. The Inspector dismissed the previous appeal only in respect of living conditions of future occupiers (due to inadequate privacy). The Inspector's decision needed to be given considerable weight in the determination of this application.

Councillor A Boote, Ward Councillor, had called-in this application to be considered by the Committee as she did not consider that the previous reason for refusal had been overcome. Councillor A Boote commented that the application was in breach of the Core Strategy relating to bulk, mass and density and that the amenity space was lacking. Councillor A Boote also objected to the privacy/overlooking and the harm it would do to the character and appearance of the area. The Councillor was also concerned by the increase in traffic, which she understood would not be a reason for refusal but wanted the concern to be noted.

Councillor A Boote proposed, and it was duly seconded by Councillor J Brown that the application should be refused on the grounds noted above.

Following a question from Members, the Planning Officer talked through the changes regarding privacy, included an amended internal layout and proposed windows that now overlooked a landscaped area and was not directly facing the road/pavement. The proposal was considered acceptable from a planning perspective.

Comments were made regarding the harm the application would do to the character and appearance of the area.

A question was raised in regard to the distance of the application from the boundary; the Planning Officer confirmed that it was very close, although they did not have the exact

measurements to hand. Members were reminded that this was not a concern raised by the Inspector.

The Chairman reminded the Members of the Planning Officers comments regarding the Inspectors appeal decision and that this should be given considerable weight. The Inspectors decision was of a higher authority than that of the Committee and the only reasonable reason for refusal that could be considered was on the grounds of privacy and overlooking.

Thomas James raised concern that on listening to the discussion of the Committee, it appeared that they were considering refusal on grounds other than privacy/overlooking. The opinion of the Planning Officers was that this would be considered unreasonable, and it was likely if they proceeded with this approach, then considerable costs would be awarded against the Council on appeal.

Several Members expressed concern about the application and its appearance on the street scene, although appreciated that as a Committee they were limited on the grounds that the application could be refused on.

Councillor J Brown commented that his concern was regarding privacy and overlooking and he did not think this application addressed that sufficiently. With that he in mind, he stated that he would not be able to second the moved refusal, if it contained any other reason in addition to this. As the proposer of the motion, Councillor A Boote agreed to change the motion to refuse, only on the ground of privacy and overlooking.

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 T Aziz, A Boote, J Brown and S Oades.

TOTAL: 4

Against: Cllrs G Cosnahan, S Dorsett, P Graves and L Morales (Chairman).

TOTAL: 4

Present but not voting: Cllrs M Whitehand

TOTAL: 1

The application was therefore not refused.

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

In favour: Cllrs G Cosnahan, S Dorsett, P Graves and L Morales (Chairman).

TOTAL: 4

Against: Cllrs T Aziz, A Boote, J Brown and S Oades.

TOTAL: 4

Present but not voting: Cllrs M Whitehand.

TOTAL: 1

The Chairman used her casting vote in favour of the recommendation. The application was therefore approved.

RESOLVED

That planning permission be GRANTED subject to recommended conditions and SAMM (TBH SPA) contribution secured by S106 Legal Agreement.

6g. 2022/0060 5 Barrens Close, Woking

The Committee considered an application for the erection of a two-storey side extension.

The Chairman queried whether the Arboricultural Officer had considered the tree statement dated 19 May 2022. The Planning Officer confirmed that the Arboricultural Officer had not provided specific feedback on the report, however they had been clear that their opinion was that the removal of the tree was fundamentally unacceptable.

Councillor L Lyons, Ward Councillor spoke in support of the application and commented that he had been working with the applicant for some time. He noted that the previous refusal reasons had been largely overcome, however there was still an issue with this T1 protected tree. Councillor L Lyons commented that the report that had been submitted by the applicant was from a well-known company which stated that the tree was in poor condition and said that the tree could be a risk to the existing property. It was flagged up that the tree had already been significantly damaged by the historic installation of a fence behind the property. Councillor L Lyons ask the Committee members to consider approving the application, with a condition added to ensure two replacement trees were planted elsewhere on site.

Some Members questioned why there was such conflicting advice from the Council's Arboricultural Officer and the external tree report. The Chairman commented that it was likely because no method statement had been included. Thomas James clarified that a Method Statement needed to be included at the point of application and could not be added as a condition.

Some Members of the Committee suggested that these issues raised around the T1 tree was not sufficient to go against the Planning Officer's recommendation.

Some discussion around deferral of the application ensued, but it was confirmed by the Planning Officer that conversations had already taken place with the application regarding protecting the tree and they had confirmed that they were not willing to do that.

Councillor T Aziz supported Councillor L Lyons opinion and added that on visiting the site, the damage already caused to the property by the tree was very clear. Councillor T Aziz proposed, and it was duly seconded by Councillor A Boote, that the application be approved.

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 approval of the application were recorded as follows.

In favour: Cllrs T Aziz, A Boote and G Cosnahan.

TOTAL: 3

Against: Cllrs J Brown, S Dorsett, S Oades, P Graves, L Morales (Chairman) and M Whitehand.

TOTAL: 6

Present but not voting: None.

TOTAL: 0

The application was therefore not approved.

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

In favour: Cllrs J Brown, S Dorsett, S Oades, P Graves, L Morales (Chairman) and M Whitehand.

TOTAL: 6

Against: None

TOTAL: 0

Present but not voting: Cllrs T Aziz, A Boote and G Cosnahan.

TOTAL: 3

The application was therefore refused.

RESOLVED

That planning permission be refused.

6h. 2021/1171 The Hollies, Wych Hill Lane, Woking

The Committee considered an application for the erection of single storey side extension with 3 no. rooflights. New 2m high brick wall with piers to replace the existing timber fence and new vehicular and pedestrian timber acoustic gates to replace the existing timber frame gate.

RESOLVED

That planning permission be GRANTED subject to conditions.

6i. COND/22/0059 Sheerwater Estate, Albert Drive, Woking

The Committee considered an application that sought partial approval of details pursuant to Conditions 27 (stopping up of existing public highway) and 28 (decommissioning of public roads, temporary roads and construction/commissioning of proposed roads) for Phase Yellow only of planning permission PLAN/2018/0337.

RESOLVED

That the details submitted be APPROVED.

7. HOUSING DELIVERY TEST

RECOMMEND TO THE EXECUTIVE That

- (i) the Housing Delivery Test published by the Government on 14 January 2022 with Officers' response be noted; and
- (ii) delegated authority be given to the Strategic Director of Place in consultation with the Portfolio Holder for Planning to publish an Action Plan setting out how the Council would improve the prospect of achieving the planned supply of homes. A draft Action Plan is in Appendix 1.

8. PLANNING PEER REVIEW ACTION PLAN

The progress of the Planning Peer Review Action plan was noted.

The meeting commenced at 7.00 pm
and ended at 11.15 pm

Chairman: _____

Date: _____