

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 6 June 2023

Present:

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

Cllr G Cosnahan	Cllr C Martin
Cllr S Dorsett	Cllr S Mukherjee
Cllr S Greentree	Cllr S Oades
Cllr D Jordan	Cllr T Spenser

Also Present: Councillors W Forster and R Leach.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 12 April 2023 be approved and signed as a true and correct record.

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. 2022/1161 Corner Garage, 16-18 St Johns Road

[NOTE: In accordance with the procedure for public speaking at Planning Committee, Mr Graham Cundy attended the meeting and spoke in objection to the application and Ms Karen Tipper spoke in support.]

The Committee considered an application for outline Planning Application for the demolition of existing vehicle garage for MOT and servicing (including showroom) and the erection of up to 11 no. dwellings with all matters reserved except access.

Cllr R Leach, Ward Councillor, commented that the site was in a conservation area and part of the village of St Johns. Councillor R Leach understood that some development was expected on this site as it was part of the Site Allocations DPD, but asked for some clarification on this. Three key concerns had been raised by residents which included the proposed density of the development which was for up to eleven units in a fairly small space and that there were no buildings of this height in St Johns village. Another concern was the highway risks with the proposed access point onto the mini roundabout and decreased visibility with the development on the currently open forecourt. There was also concern regarding parking, which did not seem to take account of visitor parking. Residents were very concerned that this could set a precedent in the area and similar development could follow.

Following a question the Planning Officer confirmed that Surrey County Council had not raised any objection to highway safety.

Many Members of the Committee asked for clarification on why this application had come forward as an outline application and wanted assurance that approval of this would not leave them in a position where they had to approve subsequent applications for the site on the reserved matters. The Planning Officer explained that these type of application were not common, but sometimes an outline application was used to find out if an application was possible on site. For this application the reserved matters were appearance, landscape, layout and scale, and it was confirmed that the Planning Committee could refuse the reserved matters application if they were not happy with these elements. The Development Manager confirmed that the only elements before the Committee to consider at this time was the access and whether the principal of eleven units on this site was acceptable. The Committee heard that the Site Allocations DPD policy did state that this site could yield at least eleven dwellings. The Site Allocations DPD had gone through a thorough examination process and the outcome was that this was an allocated site for at least eleven dwellings.

Following a question regarding the current vehicle access the Planning Officer confirmed that there were dropped kerbs on both roads, but the main access was from St Johns Road, which was where the proposed access was.

Condition 5 on the outline application stated 'up to' eleven units, so if approved the applicant could not come back with more units than this on the site.

The Committee questioned whether the reserved matters application would automatically come back to the Planning Committee or whether the decision would be delegated. The Development Manager confirmed that normally those reserved matters would be subject to a delegated decision, however any Councillor had the option to call this application before the Planning Committee. The Committee thought it imperative that the reserved matters application must come back to the Planning Committee. The Development Manager confirmed that he could use his discretion to ensure this was brought back. It would be automatically brought back to the planning Committee if it was called in by a Councillor.

It was noted that the number of parking spaces would be agreed at reserved matters stage.

Following a question the Planning Officer clarified that further conditions could be added on at the reserved matters stage and that there would be further opportunity for public representations to be made.

Some Members commented that there was not a major planning reason to refuse this, but it felt uncomfortable to approve it. Members commented that from experience they knew that once things like this were in place, it was easier to progress. Members were concerned that the applicant had submitted an outline application in order to get a 'foot in the door'.

The Chairman queried whether the applicant had put forward the addition of a pedestrian crossing and it was confirmed by the Planning Officer that Conditions 16 – 22 were all highways related, which included a pedestrian crossing.

The Committee were reminded that if they refused this without good planning reason it would likely be taken to Appeal, and if lost, costs awarded.

In accordance with Standing Orders, 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 T Aziz, S Greentree, C Martin, L Morales (Chairman) and S Mukherjee.

TOTAL: 5

Against: Cllrs S Dorsett, D Jordan, S Oades and T Spenser.

TOTAL: 4

Present but not voting: Cllrs G Cosnahan.

TOTAL: 1

The application was therefore approved.

RESOLVED

That outline planning permission be GRANTED subject to conditions and Section 106 Agreement.

6b. 2022/0627 87 Liquorice Lane

[NOTE 1: The Planning Officer advised the Committee that since the report had been published the applicant had suggested additional conditions as listed below;

- “No more than five children in garden at a time to reduce noise”
- “Parents to park off development and walk to the setting with their child French doors and windows closed to stop noise from inside escaping outside”
- “Children not to access to garden before 10:00 and after 16:00”
- “Temporary planning permission to prove we don’t cause a nuisance for a minimum of two years, to give me the opportunity to prove we are a valued service within the community or a time frame to find a house in a less built up area once the housing market and financial crises settles”]

[NOTE 2: The Planning Officer advised the Committee that since the report was published an additional 39 letters of support had been received raising the following summarised points:

- The applicant provides a valued local service and high quality childcare
- The use does not generate significant noise or traffic impacts
- Reducing the number of children would impact on local parents
- There is a shortage of childminding spaces.

These representations did not change the Planning Officers recommendation.]

The Committee considered an application for change of use of dwelling (Use Class C3) to a mixed use as a dwelling and childminding business (Use Class E) caring for 9 x 1-4 year olds Monday-Friday 7.30am-7.45pm (Retrospective).

Councillor W Forster, Ward Councillor, spoke in favour of the application and against enforcement action. Taking into account previous advice received, the applicant thought that the increase in children this was permitted and did not realise this needed approval. The childminding business had received support from the housing association and Ofsted. The application had the support of many local residents. Councillor W Forster thought that the proposed enforcement action was disproportionate considering this was the applicants livelihood and offered a valuable service in the Borough.

Many Members of the Committee agreed with the points that the Ward Councillor had raised. The applicant did have a letter from Planning Authority that said up to 5 children did not need approval. The Planning Officer explained that the applicant had been advised that it was a finely balanced matter regarding change of use. At the time the letter was issued they were advised that five children would be unlikely to require a change of use. However, now there were nine children and two staff members, which went beyond ancillary use of dwelling, then change of use must be considered. The Planning Officer commented that the Conditions suggested by the applicant would be impossible to monitor and the increase in children would have impact on local neighbours.

Following a number of comments, some Members commented that they did not think the standard of care of the children was within the planning remit and it was about whether there were issues with noise and parking arising from the application. The Development Officer clarified that the approval by Ofsted was irrelevant when considering the planning application.

Councillor S Dorsett moved, and it was duly seconded by Councillor T Spenser to approve the application for up to nine children and three members of staff.

The Development Manager asked that if the motion was approved, authority be delegated to the Development Manager to impose the relevant conditions as necessary.

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

In favour: Cllrs S Dorsett, S Greentree, D Jordan, S Oades, C Martin, S Mukherjee and T Spenser.

TOTAL: 7

Against: None.

TOTAL: 0

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

TOTAL: 3

The application was therefore approved.

RESOLVED

That planning permission be GRANTED with authority delegated to the Development Manager to impose the relevant conditions.

6c. 2023/0152 103-105 Walton Road

The Committee considered an application for retrospective application for the retention of a 9x bed, 15x person House of Multiple Occupation (HMO) (sui generis use).

RESOLVED

That planning permission be REFUSED and enforcement action taken.

6d. 2021/0500 51 Rectory Lane

The Committee considered an application for the erection of a boundary fence and outbuilding to front (retrospective).

Following a query, the Planning Officer clarified that as the outbuilding was at the front of the development then it was not permitted development, and needed approval.

Following a comment, the Planning Officer agreed that it was unfortunate that it was a corner plot and the location of the principal elevation; the applicant could move the structure into the rear garden or side garden and it would be considered permitted development. The Planning Officer added that sometimes it could be difficult to define the principal elevation in unusual properties, however in this case it was considered to be the

elevation that fronted Rectory Lane. It was clarified that the principal elevation could not be changed.

In accordance with Standing Orders, 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 T Aziz, G Cosnahan, D Jordan, C Martin, S Mukherjee and T Spenser.

TOTAL: 6

Against: Cllr S Oades.

TOTAL: 1

Present but not voting: Cllrs S Dorsett, S Greentree and L Morales (Chairman).

TOTAL: 3

The application was therefore refused.

RESOLVED

That planning permission be REFUSED and enforcement action taken.

The meeting commenced at 7.00 pm
and ended at 8.40 pm

Chairman: _____

Date: _____