

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 5 June 2018
Present:

Cllr Graham Cundy (Chairman)
Cllr Melanie Whitehand (Vice-Chairman)

Cllr Graham Chrystie	Cllr Louise Morales
Cllr Tahir Aziz	Cllr Simon Ashall
Cllr Amanda Boote	Cllr Nancy Martin
Cllr Ian Eastwood	

Also Present: Councillors Ayesha Azad and Liam Lyons.

1. MINUTES

RESOLVED

That the minutes of the meetings of the Committee held on 10 April 2018 and 21 May 2018 be approved and signed as a true and correct record.

1a. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. PLANNING AND ENFORCEMENT APPEALS

RESOLVED

That the report be noted.

5. 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.

5a. 2018/0114 McLaren Technology Centre, Chertsey Road

[NOTE: The Planning Officer advised the Committee of updates to Conditions 2 and 10 as noted below:

Condition 2

Phase 2 of the development hereby permitted shall not be implemented in addition to or in association with the development permitted under planning permissions PLAN/2011/0823 or PLAN/2013/1299 granted on 29 July 2013 and 20 May 2014.

Reason: In order to ensure the satisfactory level of development on the site within the Green Belt and to safeguard the visual amenities of the area in accordance with Policy CS6 and Policy CS21 of the Woking Core Strategy 2012.

Condition 10

The development of Phase 2 hereby permitted shall not commence until details of foul drainage and sewerage for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been completed in accordance with the approved details.

Reason: To ensure provision of the infrastructure required to make the development acceptable in accordance with Policy CS16 of the Woking Core Strategy 2012.]

This was an application made under Section 73 of the 1990 Planning Act to vary Condition 4 (approved plans) of Planning Permission PLAN/2014/1297 for the development of an “applied technology centre” as an extension to the McLaren Production Centre.

The intention of the application was to revise the previously-approved parking configuration and to enable the phasing of the implementation of the permission.

Some Members were concerned that the changing shift patterns would exacerbate the parking issues on site and queried whether the applicant had provided any information which would relieve congestion at the roundabout. The Planning Officer explained that the application did not request an increase on the 860 car parking spaces that were allowed in the original permission and that the applicant was now seeking to amend the configuration of the parking and carry out the development in two phases; a change that it was considered would be beneficial to the shift change pattern congestion. It was noted that the applicant had produced an outline travel plan which it was anticipated would alleviate some congestion and it was hoped the phased approach would also help.

The Committee were reassured that a travel plan would be in place. The Planning Officer commented that under the planning obligations noted on page 26 of the report, the detail of the travel plan would need to be approved by the Local Planning Authority and the implementation of it carried out on completion of phase 1 works.

The Chairman proposed that an additional informative be added which read ‘The applicant is reminded of provision of S106 Legal Agreement for the MATC East permission that the company should actively engage in negotiations with the Council and seek to provide a McLaren themed presence in Woking town centre, either as part of the Town Centre regeneration or at another location agreed by the Council. In the event that MATC East permission is not implemented the applicant is nevertheless strongly encouraged to liaise with the Council with a view to establishing such a presence.’

The Committee supported the addition of this informative.

RESOLVED

That the application be referred to the Secretary of State with the recommendation that the Local Planning Authority be minded to:

Grant Planning Permission under S.73 subject to revised conditions, additional informative as noted in these minutes and a deed of variation tying the revised S.106 Legal undertaking associated with the original permission to the new permission.

5b. 2018/0031 Elmbank Rest Home, 27 Woodham Road, Horsell

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

[NOTE 2: The Planning Officer advised the Committee of an additional condition as detailed below:

The development hereby permitted shall be occupied by a maximum 15 persons.

Reason: To avoid an intensification of use of the site]

[NOTE 3: In accordance with the procedure for public speaking at Planning Committee, Mr Graham Sturdy attended the meeting and spoke in objection to the application and Miss Catriona Fraser spoke in support.]

The Committee considered a Section 73 Application which proposed to remove condition 5 of planning application 82/0212. The property would remain with Use Class C2. No external alterations are proposed.

At the request of the Chairman the Planning Officer responded to a number of queries raised by the public speaker. It was the Planning Officer's opinion that the application did comply with policy CS13 of the Core Strategy in that it supported the development of specialist accommodation for older people and vulnerable Groups (which included those who were mentally or physically disabled). It was confirmed that there would be three parking spaces provided on site for staff, the residents would not have cars and that the site was in a CPZ area so there would be no overspill of parking on surrounding roads as this would be subject to enforcement control. The application did not propose to increase the number of bedrooms and would not intensify the use of the existing site.

A number of Committee Members were sympathetic to the concerns that had been raised by the residents and agreed that the unknown factor of who would be resident at the property was worrying. Members flagged up concerns regarding the change of use to the premises, however Planning Officers confirmed that the property would remain within class C2 use and that the application proposed the removal of condition 5 of planning application 82/0212 which would only widen the restriction on the age of residents.

Members asked that a more restricted definition be provided regarding the type of mental and physical conditions that would be acceptable for occupants at the premises. It was noted that condition 3 partially covered this point, however the advice from Officers was that it would be challenging to word a condition that would meet the relevant legal tests that would exclude certain people. It was suggested that further definition of vulnerable groups as noted in policy CS13 could be added to condition 3 to strengthen this further.

Despite the proposed 24/7 on site staff presence, the number of staff on site troubled some Members of the Committee. They considered that three staff on site during the day and one overnight would not be sufficient.

Some Members of the Committee supported the application and thought there was very little ground for refusal.

After listening to the comments of the Committee, Councillor N Martin expressed her concern at the application and proposed to refuse the application on the grounds that it was ill considered, inappropriate and that no consultation had taken place or conditions put in place to mitigate the concerns raised by residents. Councillor N Martin did not think that the application complied with Policy CS13 or that a need for the development had been justified. The removal of condition 5 of planning application 82/0212 would be permanent and the application offered no reassurance for the future use of the site.

The clear advice from Chris Dale, Development Manager, was that none of these reasons would be appropriate grounds for refusal of the application and it would be very unlikely that any of them would stand up during the appeal process.

A Member also queried whether concerns regarding parking would be sufficient reason for refusal, however they were advised that as the site was within a CPZ (where visitors would not be allowed to park) it was not considered that this would cause a problem.

If these were not sufficient grounds for refusal of the application, Councillor N Martin requested that additional conditions be added should the application be approved. These additional conditions were detailed below;

'A requirement for continuous 24 hour staff presence on site unless otherwise agreed in writing by the LPA.' and

'Restrict the definition of vulnerable groups to that defined within the explanatory text for Policy CS13'

The Committee was supportive of the additional conditions as noted above.

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, I Eastwood and L Morales.

TOTAL: 3

Against: Cllrs S Ashall, A Boote, G Chrystie and N Martin.

TOTAL: 4

Present but not voting: Cllrs G Cundy (Chairman) and M A Whitehand.

TOTAL: 2

The application was therefore not approved.

Peter Bryant, Head of Legal and Democratic Services, cautioned the Committee that this decision would put the Local Planning Authority in a difficult position as the clear advice from Officers had been that the Committee had provided no clear sustainable reason on why the application should be refused. This would mean that the decision would be almost impossible to defend on Appeal and that it was likely that significant costs would be levied against the Council if their decision was overturned. Regarding this advice, Councillor I Eastwood proposed and it was duly seconded, a motion to vote again on approval of the application.

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, G Cundy, I Eastwood and L Morales.

TOTAL: 4

Against: Cllrs S Ashall, A Boote, G Chrystie and N Martin.

TOTAL: 4

Present but not voting: Cllr M A Whitehand.

TOTAL: 1

The vote was therefore equal. In accordance with Standing Order 22.5, in the case of an equality of votes, the Chairman may, provided he had cast a first vote, cast a second or casting vote. As Chairman of the Planning Committee, Councillor G Cundy used his casting vote to approve the application.

RESOLVED

Grant planning permission subject to conditions and additional conditions as noted in these minutes.

5c. 2018/0201 Ridge End, Hook Hill Lane, Woking

[NOTE 1: In accordance with the procedure for public speaking at Planning Committee, Mr Laurence Rogers attended the meeting and spoke in objection to the application and Mr Laurence Evans spoke in support.]

The Committee considered a proposal for the erection of a part two storey, part single storey replacement dwelling following the demolition of the existing single storey dwelling and detached garage. The replacement dwelling would be erected in the same location as the existing dwelling and included a two storey front projecting element with a double garage.

Following concerns raised about the inaccuracy of the block plan, the Planning Officer confirmed that the case officer had visited the site and that the report before the Committee was based on their observations of the site, not the block plan.

Regarding the Tree Protection Order (TPO) oak tree on site, the Planning Officers advised the Committee that the Council had already approved a TPO felling order on the tree as it was suffering from fungus, not to facilitate the application.

Some Councillors thought that the footprint of the replacement dwelling was almost the same as the original and also liked the proposed design. The wall of the existing garage had a separation distance of 20cm from the boundary and this was the proposed separation distance of the replacement dwelling. Some Councillors thought that this was acceptable as it was like for like, however some Councillors thought that as the original structure was to be demolished the 1m boundary separation that would be applied to new builds should be applied.

A number of Members commented that the west elevation of the proposed plan was a massive overbearing structure on number 2 Hook Hill Park and thought that it did not comply with policy CS21.

Councillor S Ashall, Ward Councillor, commented that only by visiting the site could you get a true sense of the overbearing impact that this development would have on neighbouring properties. Referring to the detail of Policy CS21 of the Core Strategy Councillor S Ashall commented that the application should respect and make a positive contribution to the street scene and the character of the area in which they were situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land; he did not think the application complied with this policy.

Councillor S Ashall proposed and it was duly seconded to refuse the application on the grounds that it had an overbearing impact on neighbouring properties.

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 S Ashall, G Chrystie and N Martin.

TOTAL: 3

Against: Cllrs T Aziz, A Boote, I Eastwood and L Morales.

TOTAL: 4

Present but not voting: Cllrs G Cundy (Chairman) and M A Whitehand.

TOTAL: 2

The application was therefore not refused.

RESOLVED

That planning permission be granted subject to conditions.

5d. 2017/1229 85 Maybury Road, Woking

The Committee considered an application which sought planning permission for the erection of a single storey rear extension and the conversion of the dwelling into five flats comprising one two-bedroom unit and four one-bedroom units.

RESOLVED

That planning permission be granted subject to a legal agreement and recommended conditions.

5e. 2017/1452 Arden, Bracken Close, Woking

The Committee considered the demolition of an existing two storey dwelling and the erection of a four-bedroom detached dwelling with an integral double garage.

RESOLVED

That planning permission be granted subject to conditions.

5f. 2018/0008 Land Adjacent White Walls, Bracken Close, Woking

The Committee considered an application for the erection of a two storey five-bedroom dwelling with accommodation in the roof space on land adjacent to White Walls.

RESOLVED

That planning permission be granted subject to conditions and a Section 106 Agreement to secure a Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) contribution.

5g. 2018/0282 51 Hawkswell Close, Woking

[NOTE 1: The Planning Officer advised the Committee that one additional letter of objection had been received from number 53 Hawkswell Close which had been circulated to the Committee. This objection raised concerns regarding the boundary treatment and presence of the proposed dwelling from the conservatory of number 53. The Planning Officer commented that this was not considered to have a significantly harmful overbearing affect by reason of bulk, proximity or loss of outlook.]

[NOTE 2: The Planning Officer advised the Committee that amended plans had been submitted by the applicant which showed that the first floor level window had been removed.]

[NOTE 3: The Planning Officer advised the Committee of updates to conditions 2 and 16 and an additional condition 18 as detailed below.

Condition 02 (Approved Plans)

The development hereby permitted shall be carried out in accordance with the following approved plans:

18-?-01 (Proposed Site Layout), dated 21.02.18 and received by the Local Planning Authority on 01.05.2018.

18-05-01 RevA (Proposed Floor Plans & Elevations), dated 21.02.18 and received by the Local Planning Authority on 05.06.2018.

Unnumbered plan titled 'Proposed Roof Plan', undated and received by the Local Planning Authority on 01.05.2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 16 (First Floor Level Windows)

All first floor level window(s) within the south-east facing (rear) elevation of the dwelling house hereby permitted (for the avoidance of doubt shown on the approved plan numbered/titled '**18-05-01 RevA** (Proposed Floor Plans & Elevations)') to serve a dressing/en-suite/bathroom) shall be glazed entirely with obscure glass and non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the finished floor level of the room(s) in which the window(s) are installed. Once installed the window(s) shall be permanently retained in that condition.

Reason: To safeguard the residential amenity of Nos.48 and 49 Tregarth Place to the rear from overlooking and loss of privacy in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' and the core principles of the National Planning Policy Framework (NPPF) (2012).

Condition 18 (Arboricultural Information)

No development shall commence (excluding demolition of the existing conservatory) until tree protection details, to include the protection of hedges and shrubs, have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012 and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.]

Reason: To ensure the retention and protection of trees within close proximity to the site (to the south-west and west) in the interests of the visual amenities of the area and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy (2012) and Policy DM2 of the Development Management Policies DPD (2016).

The Committee considered a full planning application for the erection of a detached two storey two-bedroom dwelling following demolition of existing conservatory with associated vehicular crossover.

Councillor I Eastwood, Ward Councillor, commented that he had slight concern regarding the setting forward of the proposed dwelling, however he was supportive of the application.

RESOLVED

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

5h. 2018/0294 Greenfield School, Brooklyn Road, Woking

The Committee consider an application for the erection of a single storey detached modular building for D1 educational use ancillary to Greenfield School.

RESOLVED

That planning permission be granted subject to conditions.

5i. 2018/0128 97 Princess Road, Maybury

The Committee considered an application which sought consent for the installation of a disabled step lift to the front of the property to provide appropriate access for the disabled occupant.

RESOLVED

That planning permission be granted subject to the recommended conditions.

5j. 2018/0263 Lion Retail Park, 151 Oriental Road, Woking

[NOTE 1: The Planning Officer advised the Committee of an additional condition and informative as detailed below.

Condition 4

There shall be no storage of goods outside the building at any time.

Reason: In the interests of visual amenity and to preserve the provision of car parking at the site in accordance with Policies CS18 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

Informative 2

The applicant is advised that any external signage associated with the proposed building may require separate Advertisement Consent]

The Committee considered a proposal for the siting of a single storey detached structure to be used as a 'cash for clothes' recycling office and store. The proposed building would have a height of 2.85m with a length of 6.3m, a depth of 3.3m and an internal floor area of 18m². The area in question was currently three parking spaces which would be occupied by the proposed structure.

Councillor L Lyons, Ward Councillor, raised a number of concerns and thought that this development would impact on the residents in Little Riding. Councillor L Lyons was concerned about the impact on the site including anti-social delivery/pick up times (including concerns regarding the size of vehicle), landscaping, pest control and lighting of the site. If the Committee was minded to approve the application, Councillor L Lyons asked them to consider adding an additional condition which restricted the usage hours and also a height restriction on the delivery/collection vehicles.

The Planning Officer commented that paragraph 4 in the report detailed the height and length of the building and it was noted that the Costa Coffee was actually higher than the proposed structure so it was not considered that this would have an adverse impact on the visual amenity. It was noted that there currently was no vehicle height restriction on site and due to the use of the site by the existing businesses, it would not be justifiable to add this restriction to the proposed application.

The Planning Officer commented that if the Committee was minded to, it would be appropriate to amend condition 3 which restricted the hours of use on site. It was queried whether it was possible to tie in any restrictions to the current trading hours on site; following discussion it was noted that the trading hours varied across all stores, so this would be difficult. It was proposed that condition 3 be amended so as to restrict the opening times of the 'cash for clothes' office to 8am – 8pm Monday to Saturday and 9am – 5pm Sunday. The Committee were supportive of this amendment.

Following a query the Planning Officer advised that breaches in planning control were usually picked up following complaints by members of the public.

Some Councillors had concerns about clothes being dumped on the site, however it was agreed that any storage bin added to the site was likely to encourage this behaviour. It was noted that the proposal would be under a 12 month review so if there was any issue with clothes dumping this could be addressed then.

RESOLVED

That planning permission be granted subject to the conditions and additional amended conditions as set out in these minutes.

5k. 2017/1185 Britannia Wharf, Monument Road, Woking

The Committee considered an application which sought full planning permission for the change of use of land currently forming an informal car park to publicly accessible open space, change of use of land from publicly accessible recreational open space to car park and construction of car park for exclusive use of the owners/occupiers of the property known as Britannia Wharf, change of use of land from publicly accessible recreational open space to vehicle lay-by and construction of lay-by and removal/expunging of the existing S106 legal agreement dated 29th July 2017 to facilitate the proposed development.

Following a query the Planning Officer confirmed that the layby would remain in private ownership. Details of the layby parking were noted under the Planning Obligations on page 196 of the report and it was noted that this would be privately managed.

Following a query from the Chairman, the Planning Officer confirmed that a footway extension had been proposed as part of the layby revision.

RESOLVED

That subject to the expiry of the site and press notices on 6th June 2018 and the receipt of representations which do not raise any new issues, that planning permission be granted subject to:

- i) the prior completion of a S106 Legal Agreement to secure the matters referred to in the section titled Planning Obligations; and
- ii) the recommended planning conditions.

5l. 2018/0208 54 Balmoral Drive, Maybury

The Committee considered a planning application which sought retrospective planning permission for the retention of a part two storey, part single storey rear extension.

RESOLVED

That planning permission be refused and authorise formal enforcement proceedings.

5m. 2016/0705 Sutton Green Garden Centre, Whitmoor Lane, Sutton Green

The Committee considered an application which sought retrospective planning permission for the change of use of previous horticulture land in connection with Sutton Green Garden Centre in the Green Belt to an outdoor activity centre (D2 Use Class) with ancillary structures.

The advice from Officers was that the Committee could only approve the application should they consider there to be very special circumstances. The Committee were provided with paragraph 90 under the National Planning Policy Framework for reference which detailed the certain forms of development which were not considered inappropriate in the Green Belt so long as they preserved the openness of the Green Belt.

Some Members noted that the development was an outdoor recreational site and considered that the NPPF encouraged the extension of this provision. They considered that this should not be viewed as development within the Green Belt, but a change of land use, which unfortunately there was not yet a provision to re-classify land use within the Green Belt. The Planning Officers were sympathetic to the view but re-iterated the forms of development that were considered acceptable under NPPF paragraph 90.

Regarding the appropriateness of the access to the site, the Planning Officer confirmed that the applicant had not provided any evidence to support that this access was legal and safe. There had also been no evidence provided to demonstrate that there was a public footpath. Following discussion Chris Dale, Development Manager, confirmed that land ownership of itself was not a material planning consideration, however this must be considered when taking into account access to a site.

Some Members appreciated the value of the site, however they did not think there were exceptional circumstances to support approval of the application.

Councillor L Morales proposed and it was duly seconded to refer the application to the secretary of state with a recommendation to approve due to exceptional circumstances planning positively for the exceptional use of the Green Belt. Peter Bryant clarified that in the event the committee was minded to approve this application due to very special circumstances, this was not one of the categories that needed to be referred to the Secretary of State.

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, I Eastwood and L Morales,

TOTAL: 3

Against: Cllrs S Ashall, N Martin and M A Whitehand.

TOTAL: 3

Present but not voting: Cllrs A Boote, G Chrystie and G Cundy (Chairman).

TOTAL: 3

The application was therefore not approved.

The original recommendation before the committee was that the application should be refused with enforcement action following.

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 S Ashall, G Chrystie, N Martin and M A Whitehand.

TOTAL: 4

Against: Cllrs. T Aziz, I Eastwood and L Morales,

TOTAL: 3

Present but not voting: Cllrs A Boote and G Cundy (Chairman).

TOTAL: 2

The application was therefore refused.

RESOLVED

That planning permission be refused and authorise formal enforcement proceedings.

The meeting commenced at 7.00 pm
and ended at 10.20 pm

Chairman: _____

Date: _____