

**Minutes of the Planning Committee
23 August 2017**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

| | | |
|-----------------|---------------------|----------------|
| C.B. Barnard | S.M. Doran | A.T. Jones |
| I.J. Beardsmore | P.C. Forbes-Forsyth | D. Patel |
| S.J. Burkmar | M.P.C. Francis | R.W. Sider BEM |

Apologies: Apologies were received from Councillor R.O. Barratt, Councillor R. Chandler and Councillor N. Islam

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor J. Sexton 17/00639/FUL – 524-538 London Road, Ashford,
Councillor S.C. Mooney TW15 3AE

515/17 Minutes

The minutes of the meeting held on 26 July 2017 were approved as a correct record.

516/17 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillor R.A. Smith-Ainsley declared an interest on behalf of the Committee in relation to application number 17/01028/FUL – the Bugle Returns Public House, 173 Upper Halliford Road, Shepperton, as the applicant was Spelthorne Borough Council.

Councillors R.A. Smith Ainsley, C. Barnard, S. Burkmar, S. Doran, M. Francis, and R.W. Sider BEM reported that they had received correspondence in relation to application number 17/00752/FUL – 243 Thames Side, Chertsey, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, and P. Forbes-Forsyth reported that they had received correspondence in relation to application number 17/00639/FUL – 524-538 London Road, Ashford, but had maintained an impartial role, had not expressed any views and had kept an open mind.

517/17 17/00752/FUL - 243 Thames Side, Chertsey

Description:

The erection of a detached two storey dwelling and associated wheel chair access.

Additional Information:

The Planning Development Manager reported the following:

Amendment to Planning Committee Report

Paragraph 7.29 should say that two parking spaces rather than one will be provided at the existing dwelling.

Paragraph 7.33 on page 23 within the Officer's Report should read:

- (a) Shall give notice of the permission and its terms to Natural England, the notice to include a statement how (if at all) the authority has taken account of Natural England's advice

Letter from Applicant's Agent

The Council had received a letter from the agent acting for the applicant which raised the following concerns:

- The Committee report minimises the special circumstance of the applicant and queries when this would be applicable.
- The proposal mitigates each of the harms identified within the report.
- The creation of a fully wheelchair accessible house must be seen as a planning gain.
- The site is located in an area which could be called a village for green belt assessment purposes.
- An alternative plot is out of reach for most individuals, like the applicant in this case.
- The raising of the ground floor level above the 1 in 20 year river flood level mitigates any loss of flood storage capacity.
- The proposal would not increase the burden on the emergency services as the applicant is already living at the house and a new occupant is unlikely to be in a wheel chair.
- A report from a local arboriculturist was commissioned by the applicant indicating existing trees could be safely integrated within the proposal.

- The report does not reference the 1964 and current OS plans, which show how much development has taken place between 240 Thames Side and 15 Chertsey Bridge Road. (note: the plan is included within the appendix)
- Query over what the 'very special circumstances' were for the nearby Lock Keeper's facility.
- There is a loss of openness between 243 and 245 Thames side, but in the wider picture this is not significant.
- The proposed dwelling is comparable with neighbours, and would not adversely impact windows serving habitable rooms at no.243.
- The sewage systems of neighbouring dwellings would be equally overwhelmed in any catastrophic flood.
- The applicant has been in contact with the Surrey Wildlife Trust.
- Two parking spaces can be provided.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Gary Forbes spoke against the proposed development raising the following key points:

- Tragic circumstance associated with proposal
- Will only be 1m from his house
- Loss of privacy
- Concerns over tree, traffic, cess pit

In accordance with the Council's procedure for speaking at meetings, Oliver Probyn spoke for the proposed development raising the following key points:

- Referred to comments in letter in support of proposal which was circulated to all members
- Provision of a wheelchair house is a planning gain
- Doesn't affect wider openness of area

Debate:

During the debate the following key issues were raised:

- Demolition of garage and replaced with a substantial building in green belt
- Flood plain/flood risk concerns; affect free flow of water
- Whether very exceptional circumstances in green belt exist
- Can mitigate flood risk
- Must look at planning merits of proposal
- Large development in green belt at Kingfisher Public House nearby
- Detrimental impact on openness of green belt is of major concern
- Additional car parking space provided therefore car parking provision is adequate for the scheme
- Disabled access doesn't trump green belt policy
- Applicant's agent should have assessed green belt and very special circumstances more thoroughly

- Should consider extending existing house
- Would set a precedent in green belt

Decision:

The application was **REFUSED** planning permission, subject to the removal of reasons numbers 3, 5, 6, 7 and 8.

518/17 7/01028/FUL - The Bugle Returns Public House, 173 Upper Halliford Road, Shepperton

Description:

Demolition of the existing public house and erection of a new building to provide 8 flats together with associated access, parking, amenity space and other associated works.

Additional Information:

The Planning Development Manager reported the following:

Amendment to Planning Committee Report

Para. 7.13 on page 42, The proposed amenity space is 215 sq. m and the required standard is 205 sq. m.

Consultation response

The County Highway Authority raised no objection to the amended plan, subject to the following conditions and informatives:

Condition

Notwithstanding the submitted plans, the development shall not be occupied until the existing access to the site has been modified and provided with a 6 metre kerbed radii on the north side of the access to tie into the footway on the west side of Upper Halliford Road and the footway into site on the north side of the access road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be retained and the visibility splays within the site boundary shall be kept free of any obstructions between 0.6 metres and 2.0 metres high above the ground.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Condition

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials

- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (h) measures to prevent the deposit of materials on the highway has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are commenced.

Informatives

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-managementpermit-> scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
2. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to bus stops, street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or

repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

Public Speaking:

There was none

Debate:

During the debate the following key issues were raised:

- There is a need for housing
- Removal of public house is welcomed
- Moving building forward, partly onto urban land is welcomed
- Building is larger/very large
- Replaces a building already there
- Adequate car parking

Decision:

The application was **APPROVED** as per agenda subject to the additions referred to above.

519/17 17/00639/FUL - 524-538 London Road, Ashford, TW15 3AE

Description:

The demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping.

Additional Information:

The Planning Development Manager reported the following:

Consultation response

A late response had been received from the Surrey Wildlife Trust which recommended an Ecological Management Plan. The applicant had agreed the wording of an appropriate planning condition requiring the submission and approval of an Ecological Management Plan as follows:

Condition

Prior to implementation of the landscape scheme shown on the approved plans P202.1 and P202.2 an Ecological Management Plan shall have been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved Ecological Management Plan for a period of 5 years, unless the Local Planning Authority gives written permission to any variation.

Reason: To ensure the conservation and enhancement of biodiversity in accordance with the National Planning Policy Framework paras 109 and 118.

Condition 17

Amendment to condition No. 17, which requires details of ventilation and infiltration equipment, which should refer in the first line to '**occupation of the development**' not 'commencement of the development'.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Paul West spoke against the proposed development raising the following key points:

- Too wide and high
- Mass overdevelopment
- Loss of privacy
- Inadequate landscaping
- Noise to surrounding residents associated with car parking
- Inadequate car parking – overflow to surrounding roads
- Traffic congestion
- Previously recommended for refusal in 2014

In accordance with the Council's procedure for speaking at meetings, Alison Knight spoke for the proposed development raising the following key points:

- Essentially a renewal
- High quality
- Will enhance street scene
- Economic benefits – employment
- Long overdue
- Regeneration of a tired site
- New native species, new habitats
- Will help screen residents from noise
- Is a bus stop outside site
- Requested a change to condition 11

In accordance with the Council's procedure for speaking at meetings, Councillor J. Sexton spoke as Ward Councillor against the proposed development raising the following key points:

- Loss of two residential units
- Should be developed for residential purposes
- Should not be renewed
- Planning officers previously recommended refusal

In accordance with the Council's procedure for speaking at meetings, Councillor S.C. Mooney spoke as Ward Councillor against the proposed development raising the following key points:

- Out of keeping with character of Ashford Park Estate
- Impact on residential properties
- Hotel bus service not guaranteed
- Hotel occupiers will park in surrounding streets

- Residents do not agree with para. 7.11 of committee report

Debate:

During the debate the following key issues were raised:

- Application is identical to last one, not convinced it can be refused
- Queries over whether 2014 permission could be implemented
- No material changes since last permission
- Cannot refuse
- Query over access
- Query over travel plan
- Hotel needs to have good dialogue with residents

Decision:

The application was **APPROVED** as per agenda subject to the additions and amendments referred to above.

520/17 17/00560/FUL - 55A Woodthorpe Road, Ashford

Description:

Redevelopment of the site to provide one building comprising 9 apartments with associated parking and communal amenity space.

Additional Information:

There was none.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Would lead to a considerable improvement within the street scene
- Footprint of new build is less than the existing

Decision:

The application was **APPROVED** as per agenda.

521/17 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

Resolved that the report of the Planning Development Manager be received and noted.

522/17 Urgent Items

There were none.

523/17 Exempt Business

RESOLVED to move the exclusion of the Press and Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

524/17 Exempt Report - 16/00972/FUL - Former Brooklands College, Church Road Ashford

The Planning Committee considered a report from officers containing advice from the Council's consultants and legal advisors about matters arising in the Inland Homes appeal against refusal of permission at the former Brooklands College site. Members considered the matters arising and gave instructions to officers in order to progress the appeal. Given that this advice is legally privileged, the report arising from it and the discussions of members are necessarily confidential and cannot be published at this time. This confidentiality is in the public interest as it allows the Council to progress the legal proceedings without prejudicing its position.

The conclusions reached by the Committee have now been communicated to the representative for Inland Homes and PINS and these decisions are:

- (i) Not to defend the highways reason for refusal at the forthcoming appeal; and
- (ii) to agree that the decision made by the Planning Committee had regard to the current housing land supply position of the Borough and the advice set out in the NPPF for the determination of planning applications where there is a shortfall of housing land supply.

The Council will continue to defend Reason for Refusal 1 and 2 at appeal.