

**Minutes of the Planning Committee
13 December 2017**

Present:

Councillor H.A. Thomson (*Vice-Chairman in the Chair*)

Councillors:

H.A. Thomson	S.J. Burkmar	A.T. Jones
C.B. Barnard	R. Chandler	D. Patel
R.O. Barratt	S.M. Doran	R.W. Sider BEM
I.J. Beardsmore	M.P.C. Francis	
J.R. Boughtflower	N. Islam	

Apologies: Apologies were received from Councillors R.A. Smith-Ainsley and P.C. Edgington

599/17 Minutes

The minutes of the meeting held on 15 November 2017 were approved as a correct record.

600/17 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

Councillors C. Barnard and J. Boughtflower reported that they had received correspondence in relation to application 17/00640/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors H.A. Thomson, S. Doran, M. Francis and R.W. Sider BEM reported that they had received correspondence in relation to application 17/00365/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Boughtflower also declared that he was a local resident to the property in application 17/00640/FUL but maintains an impartial role and retains an open mind on the matter.

601/17 17/00640/FUL - 524-538 London Road, Ashford, TW15 3AE

Description:

This Item was a Planning Application which sought the demolition of existing buildings and the erection of a part 2-storey/part 3-storey/ part 4-storey/ part 5-storey building to provide 58 flats (33 no. 1-bed and 25 no. 2-bed), together with associated access, parking and amenity space.

Additional Information:

The Planning Development Manager reported the following:

1. One late letter of representation had been received. The issues raised were already covered in the report.
2. An additional response had been received from Head of Neighbourhood Services regarding the proposed bin stores. She had requested that a condition is imposed requiring the two separate bin stores have a locking system for residents to control access, particularly to the bin store in Core A which is more limited in size. As this is a management issue, it is best dealt with by attaching the following informative to the decision notice:

Informative

The applicant is advised that the use of the bin store in Core A (which is limited in size) should be limited to the properties immediately either side of Core A stairwell and the remainder of the properties will only be able to access the bin store in Core B. This should be achieved by either a locking system with residents provided with relevant keys or a locking key pad.

An email has been received from the applicant requesting changes to some of the conditions listed in the committee report. Whilst most of the suggested amendments to the conditions are not to be changed, it is recommended that changes are made to the following conditions:

Condition 16

Prior to occupation of the development, the highway works shall be delivered in accordance with drawing no. 101 Rev. A.

The approved works shall be implemented and completed in full prior to the first occupation of the development hereby permitted.

Condition 20

The construction of the building hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) A maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.

- b) An exceedance flow plan that shows where water will drain to during exceedance or system failure.
- c) A construction phase plan explaining how the drainage system will not be compromised during construction. (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse).

Public Speaking:

In accordance with the Council's public speaking procedures, Paul Butt spoke for the proposal raising the following key points:

- A hotel has been approved for the 2nd time on the site in August 2017.
- Will make a significant contribution to housing need
- Building will be slightly lower/smaller than hotel scheme
- Scheme reduced following discussion with officers from 63 to 58 flats
- Site is in a highly accessible location
- Some conditions should be re-worded

Debate:

During the debate the following key issues were raised:

- Concern over lack of affordable housing
- Public transport concerns
- Query over Highways England's comments
- Will be a net increase in traffic
- Spelthorne badly needs housing provision
- Is a better development than approved housing scheme
- Site is 10 minute walk to the station
- Design by crime condition needed
- Will create more overlooking than the hotel scheme
- Will have less cars than hotel scheme

Decision:

The application was **approved** as per agenda subject to the prior completion of a S106.

602/17 17/00365/FUL - Hamiltons Pitch, Sheep Walk, Shepperton

Description:

This item deals with a previous non-determination of the planning application asking for the retention of hardstanding and stationing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.

Additional Information:

The Planning Development Manager advised the following amendments to the Planning Committee Report:

Paragraphs 1.5 and 3.2 refer to the 2017 injunction being issued by the High Court. However, this injunction was issued by the County Court.

With regard to paragraph 8.22, a further consideration put forward by the applicant is to be added:

- *The applicant is a travelling showman, and cares with his wife for two elderly parents who are unwell, and has two children attending a local school.*

In paragraph 8.23 the following point is to be added, which is the Council's response to the above point made by the applicant:

- *On the site, amongst others, there are two unwell elderly people and two children who attend a local school. There is no further information. Paragraph 16 of the Government's Planning Policy for Travellers Sites August 2015 (set out in Policy E) makes it clear that personal circumstances are unlikely to clearly outweigh (therefore have limited weight) harm to the Green Belt and any other harm as to establish very special circumstances. Whilst the best interests of the children are important that does not mean they are primary or paramount.*

The Council had received a copy of a letter from the applicant's agent which was sent to all Committee members raising issues on:

- Recent planning history
- Hardstanding
- Tipping of Top soil and flood risk
- Green Belt
- Travelling Showman/Gypsy Provision; and
- The planning balance

The Planning Development Manager advised that officers had considered this letter and believed that the Officer's report together with the amendments above was a fair and accurate reflection of the planning history and assessment of the unauthorised development. Officers considered it was correct for the Planning Committee to resolve what the decision would have been had it been in a position to formally determine the planning application.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Mr. Ken Snaith spoke against the proposed development raising the following key points:

- The 1950s permission is no longer live
- Material has been dumped on the site

Debate:

During the debate the following key issues were raised:

- Concerns over flooding

- Concerns over Green Belt
- Query over whether the occupiers have permission from Highways England to live on the land.
- Dale Farm in Essex had many attempts to move the occupiers from the land.
- Should move to a proper site.
- Visual impact.

Decision:

The Committee **resolved** that had the Council been able to formally determine this application, it would have been **refused** for the reasons set out in the Planning Committee report.

603/17 Planning Development Manager Performance Report

Description:

The Planning Development Manager presented, and responded to questions on, the Development Management Performance report, which explained the changes the Government has made to assess the performance of local planning authorities.

Debate:

During the debate the following queries / issues were raised:

- Are there sufficient planners generally available to recruit
- If an application is submitted to PINS in a designated authority, is there a right of appeal?
- Will the increased planning fees pay for all the additional costs for increased planning staff?
- Concern over high density housing developments

Resolved to note the report.

604/17 Planning Appeals Report

Description:

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.

Decision:

Resolved that the report be received and **noted**.

605/17 Urgent Items

Description:

Inclusion of an Urgent Item relating to application 17/01274/FUL, Former Brooklands College, Church Road, Ashford was permitted by the Chairman. The report was circulated to all members of the Committee at the meeting.

Additional Information:

The Planning Development Manager explained that Planning permission was granted by the Planning Committee at the meeting on 15 November 2017, subject to the completion of an s106 agreement.

Following further consideration of some of the draft conditions and discussions with the applicant, it was recommended that some amendments to the conditions were agreed.

This matter was considered urgent and could not reasonably be deferred to the next meeting because officers were working towards completing the s106 agreement and issuing the decision notice as soon as possible.

This would enable the appeal proposal, which was due to be considered at a public inquiry in February 2018, to be withdrawn.

The proposed changes were set out in the urgent report.

Debate:

During the debate the following key issues were raised:

- Concern that noise conditions were being removed
- Buildings must be built as approved.

Decision:

Resolved to agree:

1. the amendments to the conditions as set out in the report, and,
2. to delegate any further amendments to the conditions and informatives to the Planning Development Manager in consultation with the Planning Committee Chairman