


Supplementary Agenda – Member Question and Update Sheets

Planning and Regulatory Committee



<u>Date and Time</u>	<u>Place</u>	<u>Contact</u>	<u>Web:</u>
Wednesday, 25 September 2024 10.30 am	Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF	Joss Butler joss.butler@surreycc.gov.uk	Council and democracy Surreycc.gov.uk <u>Twitter:</u> @SCCdemocracy 

SUPPLEMENTARY AGENDA

- 5 MEMBERS' QUESTION TIME** (Pages 1 - 2)
- Two Member Questions were submitted by Cllr Catherine Powell. The questions and responses and included within this supplementary agenda.
- 7 SURREY COUNTY COUNCIL PROPOSAL RE24/00028/CON - SITE OF FORMER COLEBROOK AND SPECTRUM NOKE DAY CENTRES, NOKE DRIVE, REDHILL, SURREY RH1 1PT**
- This item has been withdrawn.
- 8 SURREY COUNTY COUNCIL PROPOSAL RU.24/0071 - FORMER BIRCHLANDS CARE HOME, BARLEY MOW ROAD, ENGLEFIELD GREEN, EGHAM, TW20 0NP** (Pages 3 - 6)
- Update sheet.
- 9 MINERALS/WASTE APPLICATION RE18/02667/CON - REPORT ON OUTCOME OF THE CONSIDERATION OF THIS MATTER BY THE SUPREME COURT (HORSE HILL WELL SITE, HORSE HILL, HOOKWOOD, HORLEY, SURREY RH6 0HN)** (Pages 7 - 8)
- Update sheet.

Terence Herbert
Chief Executive
Published: 24 September 2024

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Thank you for your co-operation.

QUESTIONS AND PETITIONS

Cabinet and most committees will consider questions by elected Surrey County Council Members and questions and petitions from members of the public who are electors in the Surrey County Council area.

Please note the following regarding questions from the public:

1. Members of the public can submit one written question to a meeting by the deadline stated in the agenda. Questions should relate to general policy and not to detail. Questions are asked and answered in public and cannot relate to “confidential” or “exempt” matters (for example, personal or financial details of an individual); for further advice please contact the committee manager listed on the front page of an agenda.
2. The number of public questions which can be asked at a meeting may not exceed six. Questions which are received after the first six will be held over to the following meeting or dealt with in writing at the Chairman’s discretion.
3. Questions will be taken in the order in which they are received.
4. Questions will be asked and answered without discussion. The Chairman or Cabinet members may decline to answer a question, provide a written reply or nominate another Member to answer the question.
5. Following the initial reply, one supplementary question may be asked by the questioner. The Chairman or Cabinet members may decline to answer a supplementary question.

Planning and Regulatory Committee

25 September 2024

PROCEDURAL MATTERS – MEMBER QUESTIONS

1. Question submitted by Catherine Powell

Which Statutory Agency is responsible for the review of which elements of flood risk and where does the liability site if the assessment is not completed or is incorrect?

NPPF paragraph 167 is clear that flood risk assessments must take ***“into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property”***.

What is less clear is which statutory agency is responsible for which assessment, which is not defined in the NPPF or in guidance. Please can Officers advise which statutory agency is responsible for the following:

- a) Evaluation of flood risk associated with water courses breaking their banks and the mitigation of such risk for a new development and existing developments
- b) Evaluation of surface water flood risk, particularly in areas with hills and valleys and the mitigation of such risk for a new development and existing developments
- c) Evaluation of groundwater flood risk and the mitigation of such risk for a new development and existing developments
- d) Review of developments where infiltration test data is necessary to support the determination of a planning application as it will materially impact on the layout of a scheme and the required sustainable drainage system.
- e) Review of proposed sustainable drainage systems and it's appropriateness

Reply:

In relation to Planning Applications, the statutory consultation requirements in relation to flooding and related matters area as follows:

The Environment Agency

- Development involving the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river
- Development, other than minor development, which is to be carried out on land (i) in an area within Flood Zone 2 or Flood Zone 2 or (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified as such to the local planning authority by the Environment Agency

The Lead Local Flood Authority

- Major development with surface water drainage

The Canal & River Trust

- Development likely to affect (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feed channel, watercourse, let off or culvert, which is within an area which has been notified to the local planning authority by the Canal & River Trust

In addition, the county planning authority may seek advice from our specialist consultants in relation to matters of hydrological or hydrogeological matters. As consultees these bodies provide advice to the county planning authority who is responsible for reviewing that advice and determining the planning application based on their assessment of this advice and any other relevant considerations.

In relation to points (a) – (e) within the question:

- a. Depending on the nature of the watercourse this may be covered in the response from Environment Agency, the Canal & River Trust or the LLFA for ordinary watercourses
- b. - (e) Would fall within the remit of the Local Lead Flood Authority who would provide a consultation response on these matters to the Planning Authority.

2. Question submitted by Catherine Powell

NPPF paragraph 56 requires that ***“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”***

Please can Officers advise if:

- a) Having a condition to undertake infiltration testing for SUDs design as a pre commencement condition in areas known to have poor infiltration capacity is compliant with NPPF Para 56 given that the results could materially impact on the layout of a scheme and the required sustainable drainage system.
- b) When LLFA reviews a SUDs design against the SUDs Guidance and identifies concerns about the maintainability of the system, is proposing a condition for a robust maintenance scheme compliant with NPPF Para 56 and NPPF Para 175c. For example, in a recent application (which was subsequently refused by the LPA planning committee) a developer’s FRA stated, ***“small diameter restrictors below 50mm diameter are prone to blockages from debris that might enter the drainage system”***, yet the design included the use of orifices as small as 10mm.

Reply:

In response to (a), in general terms such a condition could be compliant with paragraph 56 if sufficient information has been submitted at application stage to demonstrate that the final SUDS design after infiltration would not materially alter the layout of scheme.

In response to (b), in the absence of further information and the wider context it is not possible to respond to the specific instance referred to in the second part of this question. A condition requiring a robust maintenance scheme is in line with NPPF para 175C which states that such information should be secured for major developments. Subject to being appropriately worded, a condition requiring a robust maintenance scheme would comply with the tests set out in para 56.

This approach is in line with Surrey County Council’s published [Sustainable Drainage System Design Guidance](#).

Edward Hawkins
Chairman of the Planning and Regulatory Committee
25 September 2024

Planning & Regulatory Committee 25 September 2024 Item No 8

UPDATE SHEET

SURREY COUNTY COUNCIL PROPOSAL RU.24/0071

DISTRICT(S) RUNNYMEDE

Former Birchlands Care Home, Barley Mow Road, Englefield Green, Egham, TW20 0NP

Outline application for the erection of a part single storey, part 3 storey building (with additional basement) for extra care accommodation, comprising self-contained apartments, staff and communal facilities and associated parking, including new vehicle access from Barley Mow Road. Appearance and landscaping reserved.

Amending Documents

This list has been updated and amended since the report was prepared. The list in the report should be deleted and replaced with the following list:

- An Archaeological Trial Trench Evaluation, Surrey County Archaeological Unit, dated January 2024.
- Agent Email entitled, “RE: Planning Application Consultation/Notification for SCC_Ref_2023-0223 Former Birchlands Care Home, Barley Mow Road, Englefield Green, Egham, TW20 0NP, dated 13 February 2024 re Bat Surveys and Demolition.
- Bat Winter Hibernation Survey Report rev 1.1, Surrey Wildlife Trust Ecology Services, dated March 2024.
- Email entitled, “Planning Application Ref: RU.24/0071: Former Birchlands Care Home” dated 26 April 2024 re Arboriculture and Historic Buildings comments with attached Arboricultural Method Statement, Keen Consultants, dated April 2024, Technical Note 01, Response to Tree Officer Comments, Keen Consultants, dated 19 April 2024, and Drawing ref: 2066-KC-XX-YTREE-TPP01 rev C, Tree Protection Plan dated 24 April 2024.
- Agent Reply - Responses to Assistant Transport Development Planning Officer’s comments dated 04 March 2024 (undated)
- Applicant Statement supporting the case for Extra Care Housing Applications to be made under Use Class C2 (final), C Bell, dated 14 May 2024.
- Bat and Reptile Presence/Likely Absence Survey Rev 1.3, Surrey Wildlife Trust Ecology Services, dated 23 April 2024.
- Email entitled, “Application RU.24/0071 Former Birchlands Care Home”, dated 10 June 2024 with attached Technical Note, Parking and Bus Stop Surveys rev 1.1, AtkinsRéalisis, dated 07 June 2024.
- 30 July 24 email from Agent Attaching Two Updated Drawings: 5221714-ATK-XX-RF-DR-A-02103 rev P7 Proposed Site Plan dated 30 July 2024 and 5221714-ATK-XX-XX-DR-T-00011 rev P02 Sketch Proposed Infrastructure Improvements dated 29 July 2024;

- 16 August 2024 email from agent regarding off site planting for BNG and attached Drawing 5221714-ATK-XX-RF-SK-A-02104 rev P1 Proposed Site Plan Off Site Trees Sketch (Draft) dated 15 April 2024 and Aerial Image of St Jude's Infants School.

Paragraph 87

Add the following words after (Copenhagen crossing)

(at the proposed new access) together with amendments to the existing access to the west

Paragraph 91

Add the following words to the end of the paragraph

as set out in paragraph 87 above and to be secured by condition.

RECOMMENDATION

Condition 6

Add following text after 'plans'

Drawing No 5221714-ATK-XX-00-DR-A-90112 rev P3 Indicative General Arrangements - Proposed Plans - Ground Floor dated 14 December 2023 and Drawing No 5221714-ATK-XX-XX-RP-T-00011 rev P01 dated 12 December 2023 at Appendix D to the Transport Statement submitted with the application.

Replace Condition 7 with following wording:

7. No part of the development shall be first occupied unless and until the modified vehicular access (western access) to the site from Barley Mow Road has been constructed providing a continuous pedestrian footway and provided with visibility sightlines in accordance with a scheme to be submitted and approved in writing by the County Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Condition 10

Add following text after 'plans'

Drawing Numbers 5221714-ATK-XX-RF-DR-A-02103 rev P7 Proposed Site Plan dated 30 July 2024 and 5221714-ATK-XX-00-DR-A-90112 rev P3 Indicative General Arrangements - Proposed Plans - Ground Floor dated 14 December 2023.

Condition 13

Add at end before full stop

in accordance with Drawing ref: 5221714-ATK-XX-XX-DR-T-00011 rev P02 Sketch Proposed Infrastructure Improvements dated 29 July 2024

Condition 14

Add new sentence at end There shall be no working on Sundays, Bank, National or Public Holidays.

Reason for Condition 21

Add new sentence at end

This condition is required pre-commencement to ensure that trees to be retained are protected during the construction phase of the development.

Dawn Horton-Baker/David Maxwell

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UPDATE SHEET

MINERALS/WASTE APPLICATION RE18/02667/CON

DISTRICT: REIGATE AND BANSTEAD

Horse Hill Well Site, Horse Hill, Hookwood, Horley RH6 0HN

Report on the outcome of the consideration of this matter by the Supreme Court

The Supreme Court issued its Order on 19 September 2024. The Court ordered that

- 1) The appeal be allowed;
- 2) The decision to grant planning permission was unlawful and is quashed;
- 3) The County Council shall pay the Appellant's costs of the appeal;
- 4) The County Council shall pay the Appellant's costs of the proceedings in the High Court and the Court of Appeal subject, for each stage, to a cap of £35,000.

Points 1 and 2 were contained in the judgement handed down on 20 June 2024 and are addressed in the officer report. Following the judgement, further representations were then made in respect of costs, culminating in the Order. As this was issued after the publication of the report to committee however, paragraph 14 is now incorrect. The costs incurred in this matter by the County Council will be £70,000 (£35,000 each for the High Court and Court of Appeal) plus the costs of the appellant in bringing the case to the Supreme Court, which are as yet unknown but will be subject to assessment by the Court if not agreed.

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