

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 11 January 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Tim Hall (Chairman)
Mr Keith Taylor (Vice-Chairman)
Mr Steve Cosser
Mrs Carol Coleman
Mr Ernest Mallett MBE
Mr Jonathan Essex
Miss Marisa Heath
Mrs Mary Angell

Apologies:

Mrs Margaret Hicks
Mr Richard Wilson

158/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Richard Wilson and Margaret Hicks.

159/16 MINUTES OF THE LAST MEETING [Item 2]

The Minutes were approved as an accurate record of the previous meeting.

It was noted that the resolution of Minute 155/16 had been amended to read: *'That application MO/2016/0981 – Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey RH5 6HN was approved subject to informatives and reasons set out in the report.'*

160/16 PETITIONS [Item 3]

There were none.

161/16 PUBLIC QUESTION TIME [Item 4]

There were none.

162/16 MEMBERS' QUESTION TIME [Item 5]

There were none.

163/16 DECLARATIONS OF INTERESTS [Item 6]

There were none.

**164/16 WA/2016/1793 - LINDON FARM, ROSEMARY LANE, ALFOLD, SURREY
GU6 8EU [Item 7]**

Officers:

Alex Sanders, Principal Planning Officer
Caroline Smith, Transport Development Planning Manager
Nancy El-Shatoury, Principal Solicitor

Key points raised during the discussion:

1. Officers introduced the report and informed the Committee that the application proposed the construction of a supported living accommodation for adults with autism and high support needs. A brief summary of the proposal was provided in which it was confirmed that both Waverley Borough Council and Alford Parish Council supported the application but showed concern over issues with the location of the site. Officers asked the Committee to permit the application subject to conditions.
2. A Member expressed concern with the comments raised by Waverly Borough Council as they believed that the location of the site had no major impact on resident experience. It was stressed that the planning conclusions raised in the comments may be out of date and should be reconsidered.
3. Members of the Committee were very pleased with the application as supported living accommodation for adults with autism and high support needs was needed in Surrey. It was questioned if the rural location of the development was essential. Officers stated that it did not need to be in a rural location although the open space and conditions in the area were ideal.
4. It was questioned if the travel statement included in the report was adequate for the application in which Officers confirmed that due to the nature of the application a travel statement would suffice.
5. A Member asked if there were plans to expand the development at a later date in which Officers confirmed that there were currently no plans.

The resolution of the Committee was unanimous

Resolved:

That application WA/2016/1793 - Lindon Farm, Rosemary Lane, Alford, Surrey GU6 8EU was permitted subject to conditions and reasons set out in the report.

Actions/further information to be provided:

None.

**165/16 PROPOSED TRAFFIC REGULATION ORDER ALONG PUBLIC BYWAYS
OPEN TO ALL TRAFFIC (BOAT) NOS 507, 508 AND 509 (ALBURY) AND
507 AND 517 (WONERSH) [Item 8]**

Officers:

Daniel Williams, Countryside Access Officer
Caroline Smith, Transport Development Planning Manager
Nancy El-Shatoury, Principal Solicitor

Key points raised during the discussion:

1. The Countryside Access Officer introduced the report and gave the Committee a summary of the details included in the report. It was stated that the report sought approval to publish a notice of intention to make a Traffic Regulation Order (TRO) for byways open to all traffic (BOAT) Nos. 507 (parts of) & 509 (Albury) and 507 & 517 (Wonersh). It was noted that after the publication of the notice of intention, there was a 21 day period in which residents could raise objections.
2. It was highlighted to the Committee that the reasons for the item to be considered by the Planning and Regulatory Committee was because the area proposed crossed more than one district/borough.
3. A Member expressed that they were pleased with the TRO as residents faced problems with flooding in the area and that the order would be a step in the right direction in addressing the issue.
4. A Member of the Committee raised concern with the dangers of allowing motorbikes to use the road as the report showed limited space for pedestrians and motorbikes to pass safely. The Countryside Access Officer explained that although there was certainly a small space, it was officers opinion that a walker and motorbike could pass safely, with care. Further discussion was had in which it was raised that a motorbike could potentially speed in the area if given the opportunity and the further dangers this would have on other road users. Officers were asked to consider resubmitting the application with added considerations although this was not deemed feasible as it would require further consultation. Members continued to stress their concern around the safety of road users as a consequence of motorbikes having access to the road.
5. A discussion around the safety element being taking into consideration when creating TROs on BOATs and if this was an opportunity to explore the safety aspects of future TRO reports. The Chairman agreed to send a letter, on behalf of the Committee, to the Countryside Access Team regarding the presentation of safety issues in future reports.
6. There was also general discussion around the lack of maintenance of BOATs in Surrey for which there was very little funding. The Chairman agreed to write to the Cabinet Member for Environment and Planning regarding the Committee's concerns.

Resolved:

1. That grounds for making a TRO as outlined were met across parts of the routes consulted upon, and a Notice of Intention to make an Order should be published only for Byways Open to All Traffic Nos. 507 (part of) & 509 (Albury) and 507 & 517 (Wonersh) to prevent damage to the road and to avoid danger to persons or other traffic using the routes as shown in red on Drawing Number 3/1/52/H31a (Annex 2 to the report).
2. Where significant (and relevant) objections were received to an advertised proposal to make an Order it will be decided in consultation with the divisional Member, and the Planning and Regulatory Committee Chairman/Vice Chairman whether the Traffic Regulation Order may be made.

3. That the officer with delegated authority in consultation with the Divisional member and the Planning and Regulatory Committee Chairman/Vice Chairman may decide whether to accede to any unresolved objections and decide whether the TRO may be made either with or without modifications, with due regard to the provisions of the Local Authorities' Traffic Orders (Procedure) Regulations 1996¹.
4. That where substantial (and relevant) objections were received, or significant modifications proposed, the officer with delegated authority in consultation with the divisional Member and the Planning and Regulatory Committee Chairman/Vice Chairman, may refer the decision on whether the TRO be made back to the Planning and Regulatory Committee.

Actions/further information to be provided:

That the Chairman send a letter, on behalf of the Committee, to the Countryside Access Team regarding the presentation of safety issues in future reports.

That the Chairman to send a letter, on behalf of the Committee, to the Cabinet Member for Environment and Planning regarding the Committee's concerns about the lack of funding for the maintenance of byways open to all traffic.

166/16 ENFORCEMENT AND MONITORING UPDATE REPORT [Item 9]

Officers:

Alan Stones, Planning Development Team Manager

Key points raised during the discussion:

1. The Planning Development Team Manager introduced the item and gave the Committee a brief update on the Enforcement and Monitoring Report.

Resolved:

That the report be noted.

167/16 DATE OF NEXT MEETING [Item 10]

The date of the next meeting was noted.

Meeting closed at 11.40 am

Chairman

TO: PLANNING & REGULATORY COMMITTEE
BY: COUNTRYSIDE ACCESS TEAM MANAGER

DATE: 11 January 2017

ITEM No. 8

UPDATE PAPER

TITLE: PROPOSED TRAFFIC REGULATION ORDER ALONG PUBLIC BYWAYS OPEN TO ALL TRAFFIC (BOAT) NOS 507, 508 AND 509 (ALBURY) AND 507 AND 517 (WONERSH)

1. A further email response was received from Mr Colin Noon of Pentland on Mayorhouse Lane. His original objection is outlined in para. 3.1 on page 8 of the report Item 8 as was his position following the site visit of 8 December 2016. Mr Noon's latest email of 6 January 2017 is shown below in italics:
 - i. *Thank you for your E-Mail 5th January. Before the council goes ahead with the proposed works regarding access over Ride Lane I should like to point out the following.*
 - ii. *Over the past many years Ride Lane was always maintained to the standard required as a bridleway etc. The work was directed by Diane Shepard of the highways department and carried out by the sub-contractor, Colin Stonestreet. The state of the lane has deteriorated so much that it presents a major safety risk.*
 - iii. *Since the council has failed to maintain the lane to the required standard a valley has been created by the surface water draining of the hill resulting in the water not being allowed to drain away naturally, as always was the case, but rushing down the lane and causing flooding to August Lane, the pond and Brook Hill.*
 - iv. *The deterioration of Ride Lane was not caused, as some have suggested by four-wheel drive vehicles but the lack of maintenance of the lane by the council. The nature of the erosion in the lane could not possibly be caused by four wheel drive vehicles and has in fact been caused by the water running off the hill.*
 - v. *Since the new occupant of Westerlea Farm has carried out extensive drainage works on his property there has been no flooding of August Lane but at the same time the corner at Brook Hill has been the at its worst and another pond was created on the green the size of the permanent pond.*
 - vi. *With this in mind I respectfully suggest that any permanent works, the installation of gates etc. be at least postponed until such time that it is*

proven that flooding still occurs in August Lane following Ride Lane being maintained and returned to a proper safe condition.

Kind regards, Colin

2. In the Officer's view Mr Noon is correct that BOATS are maintained only to a standard suitable for a bridleway. In common with most other rights of way in Surrey, little substantial work has been undertaken on this route in recent years due to limited funds.
3. Traditionally it has been 'bladed' or re-profiled, which has proven to be a short term fix which speeds up erosion in the long term. This is not a solution to the problem. Correspondence on file confirms that maintenance of this nature, as formerly undertaken either by the County or Borough Council, has not been effective in tackling the problem of erosion and flooding.
4. An alternative repair might involve significant infill of the 'lower' sections, to provide a higher surface where a safe width is available. This would be at significant cost and would itself remain subject to erosion by 4x4 vehicles (without the imposition of the TRO) and by water flow under any circumstance. Quotes from 2001 for a basic infill of limestone scalping amounted to £54,000 alone. The costs are likely to be considerably higher today.
5. Aside from maintenance, the safety issue for users is likely to remain even if the works referred to by Mr Noon are shown to have improved the flooding situation. Apart from the TRO, only major maintenance works could solve this, which would in turn change the amenity and characteristics of Ride Lane.
6. The proposed TRO does not have to be a permanent measure. The effect of it could be monitored over time for efficacy. If it is found not to be effective it could be rescinded or other /additional measures put in place if required at a later date.
7. The question of Mr Noon's personal access to his property is addressed in paras. 1.8, 3.5 and 4.8.