

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 15 November 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 13 December 2017.

Elected Members:

(* present)

- * Mr Tim Hall (Chairman)
- * Mr Keith Taylor (Vice-Chairman)
- * Mrs Natalie Bramhall
- * Mr Stephen Cooksey
- * Mr Matt Furniss
- * Mr Jeff Harris
- * Mr Edward Hawkins
- * Mr Ernest Mallett MBE
- * Mrs Bernie Muir
- * Dr Andrew Povey
- * Mrs Penny Rivers
- * Mrs Rose Thorn

Substitute Members:

- * Mr Jonathan Essex

247/17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

An apology for absence was received from Mrs Penny Rivers. Mr Jonathan Essex substituted for Cllr Rivers.

248/17 MINUTES OF THE LAST MEETING [Item 2]

1. An amendment to page 4 of the minutes was tabled at the meeting, addressing the fact that reasons for deferral should not have included point (iv) as this point was agreed as an informative after the vote had taken place. This amendment is appended to these minutes at Annex A.
2. The Chairman informed the Committee that a letter querying the minutes of the previous meeting had been received from solicitors acting on behalf of Europa Oil & Gas UK on Tuesday 14 November. As there had not been sufficient time to review the webcast of the previous meeting, it was suggested that the approval of these minutes be deferred to the next meeting to allow for any discrepancies in the minutes to be corrected.
3. A Member commented that having reviewed the minutes relating to Item 7, it was not satisfactory to have moved the motion to refuse the application without any detail of how or why condition 19 had not been satisfied. The Chairman reminded Members of the need to cite planning reasons when moving motions to refuse or defer.
4. Members were asked to raise any further concerns regarding these minutes with the Committee Support Officers.

249/17 PETITIONS [Item 3]

There were none.

250/17 PUBLIC QUESTION TIME [Item 4]

1. A question was received by Mr Taplin and a response was tabled at the meeting. The question and response is appended to these minutes at Annex B.
2. Mr Taplin acknowledged the response provided and asked the following supplementary question: Will Surrey County Council; and the Safer Travel Team prioritise support and funding to the school in taking remedial action, in order to make up for four years' lost ground and expedite progress against the School Travel Plan targets?
3. The Planning Development Manager thanked Mr Taplin for his question and explained that as the response would require input from officers not present at the meeting, a formal response would be provided to him in writing.
4. The Chairman explained that officers would be contacting the Cabinet Member for Transport regarding the issues raised, as well as the Local Member.
5. Members highlighted that the Committee had no responsibility in securing funding from the education department.
6. There was some discussion around School Travel Plans and Members noted that these were not statutory, however when the travel plan was derived as a result of a planning condition, it was questioned as to how enforceable this was. Although progress had been made, it was felt that more work was required.
7. The Principal Solicitor explained that as one cannot enforce against oneself, the procedure was for the Heads of Service to discuss the issues regarding Travel Plans and seek to ensure that conditions are complied with.
8. Members noted that the Monitoring and Enforcement Protocol was adopted at the last meeting.

251/17 MEMBERS' QUESTION TIME [Item 5]

There were none.

252/17 DECLARATIONS OF INTERESTS [Item 6]

There were none.

253/17 SP12/011132/SCD9 LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, SURREY [Item 7]

Officers:

Stephen Jenkins, Deputy Planning Development Manager
Caroline Smith, Planning Development Manager
Nancy El-Shatoury, Principal Solicitor

Speakers:

- No Members of the public registered to speak on the item.
- Denise Turner-Stewart, Local Member, registered to speak but was unable to attend the meeting. A document provided by Cllr Turner-Stewart was tabled at the meeting and is appended to these minutes at Annex C.

Richard Walsh, Local Member, made the following points:

1. Stated that he was speaking as Local Member as a request from residents.
2. Buckland Primary School feel their views have not been taken into account.
3. There are concerns about the design, particularly the depth of the water given the close proximity to the school
4. There are concerns about the prospect of having barbed wire on the fencing and the safety implications this could bring.
5. Residents were concerned about the sensitivity of the site given its close proximity to their properties.
6. Residents quality of life will be seriously affected for 5-10 years as a result of this development
7. Asked the Committee to be satisfied that the every provision possible is put in place to minimise the effect on residents and that the applicant adheres to all the requirements detailed in the report.

Key points raised during the discussion:

1. The application is a details pursuant relating to the permission granted in 2015 for the extraction of sand and gravel.
2. Details of the landscape and planting scheme application for Phase 1 are covered in the report.
3. There has been one objection in relation to the application. The issue raised has been dealt with in paragraphs 41 and 47 of the officer report. No objections have been raised by technical consultees.
4. The Chairman enquired about the Community Liaison Group and whether the school had been consulted. The Deputy Planning Development Manager explained that the case officer had been in direct communication with the school and confirmed that a representative from the school would be on the Community Liaison Group.
5. A Member of the Committee pointed out that planning permission had already been granted in 2015. The objections regarding the fence construction and deep water were not relevant to this details pursuant application, but the previous application.
6. The Chairman informed the Committee that this item was called-in by the Local Member for the Committee to review.
7. A Member of the Committee highlighted that more people die from drowning than in fires, particularly children, and that this should have been a consideration of the application whilst in the design stage. The Deputy Planning Development Officer explained that the proximity of the lake to the school was discussed as part of the original application which the school had made a representation on. From a technical viewpoint, this application met the conditions set out.

8. There was some discussion about the Community Liaison Group as the report referred to this as still being in the set-up stage. A Member suggested that the Committee consider adding an informative stating that a Community Liaison Group should be set up to develop proactive and positive relationships between both parties. Once established and operational, the group could perhaps meet twice a year.
9. A Member suggested there needed to be some clarity as to whether the school was going to use the conservation study area as proposed in the application, or not, as this would have an impact on how the site would be managed over the next 25 years. The Deputy Planning Development Manager explained that this was an issue to be taken forward by the Community Liaison Group rather than one that should be considered in relation to this details pursuant application. It was further added that the Community Liaison Group was not part of the Scheme but part of the management process.
10. Cllr Walsh informed the Committee that the case officer had been working with the Local Members and residents to create a Community Liaison Group and whilst a date had not yet been fixed, Cllr Walsh was hopeful that a meeting would take place in December 2017 or January 2018.
11. A Member highlighted that as management and governing bodies of schools change in time, the management committee needed to be cognisant of this when considering plans for the future.
12. The Chairman informed the Committee that as Cllr Walsh had clarified that the organisation of the Community Liaison Group was happening, the suggestion of adding an informative was not necessary.
13. The Chairman moved the recommendation to approve. The vote to approve was unanimous.

RESOLVED

That application SP12/01132/SCD9 – Land at Manor Farm, Ashford Road and Worple Road and land west of Queen Mary Reservoir, Ashford Road, Laleham, Surrey be **APPROVED**.

254/17 DATE OF NEXT MEETING [Item 8]

The next meeting of the Planning & Regulatory Committee will be held on 13 December 2017.

Meeting ended at: 11.05 am

Chairman

ANNEX B**Planning and Regulatory Committee
15 November 2017****Item 4: Public Question Time**

Submitted by: Mr Michael Taplin

I live in Bridge Barn Lane, Woking, where Goldsworth Primary School is located. Parents and the local community have serious concerns for public safety, in relation to parking overload in Bridge Barn Lane at school drop-off and pick-up times.

The heightened concerns today stem from the planning consent for expansion of the school back in 2013. We understand that Goldsworth Primary School and Surrey County Council, as joint applicants, are in breach of planning control. The planning consent (WO/2013/0033) was subject to a condition to implement in full a comprehensive School Travel Plan (Version 4, dated 16 Apr 2013). This was not implemented.

Goldsworth Primary School is one of many in Surrey that have been granted planning consent for expansion. In every case, a key condition relates to the implementation, maintenance, monitoring and development of a School Travel Plan, in order that the potential traffic and parking impacts of the development are minimized.

My question is, where has the planning procedure failed (and subsequent monitoring and enforcement, also failed) with a Surrey County Council Primary School having been in breach of planning control for four years since planning consent was given, thereby endangering children outside the school on a daily basis?

Response:

The Committee are grateful to Mr Taplin for bringing the issues raised by Goldsworth School to their attention and for the detailed work he has carried out on the issue.

Planning permission was granted in 2013 for an expansion from a 2 form entry (420 place) to a 3 form entry (630 place) primary school. A number of conditions were placed on this planning approval, including Condition 5 which stated the following:

The development hereby permitted shall not be occupied unless the revised School Travel Plan version 4 dated 16 April 2013 is being implemented in full, and the Plan shall thereafter be maintained monitored and developed in full and complete accordance with its provisions.

This condition was placed on the approval in consultation with the County Highway Authority who advised that the Travel Plan was acceptable in the final form submitted and suggested the wording of the condition. They did not consider that further travel plan related conditions were required. The County Council acting as County Highway Authority is a statutory consultee in the planning application process, charged with considering the impact of a proposal on highway safety, parking associated with schools on local roads where speeds are low. These commonly raise issues of amenity due to congestion.

The condition did not require the submission of further details but for the school to implement, maintain, monitor and develop the school travel plan as part of the approval. Such a condition is a typical response to managing the traffic impacts, either safety or amenity ones, of school expansion proposals. A condition can only legitimately require something which is in the applicants control to deliver. A travel plan condition is therefore only enforceable in relation to actions it proposes not the targets it sets.

ANNEX B

The County Council as planning authority does not monitor all conditions attached to all planning permissions as a matter of course. It will, however, always investigate any complaint made that a condition has been breached. No resources were available for routine monitoring of planning conditions until June 2015, when a Monitoring Officer post was created in the Planning Team with specific responsibilities for the County Council's own development proposals. This reflects the large programme of school expansions then taking place. The scope for reviewing earlier permissions has been limited, but that does not preclude the investigation of specific complaints.

A Monitoring and Enforcement Protocol was adopted by the Planning and Regulatory Committee at its meeting on 18 October 2017. The protocol sets out the process for monitoring compliance and remedial action. The protocol states that before formal enforcement action is considered, the County Planning Authority will normally provide an applicant with the opportunity to remedy any identified breach of planning conditions. The County Planning Authority has only recently received Mr Taplin's complaint and is in the early stages of its investigation. As part of its monitoring process, it liaises with the Safer Travel Team (the team responsible for assisting schools in delivering, maintaining and reviewing their travel plans, including ones which are the subject of planning conditions). The Safer Travel Team have made a number of attempts to engage with Goldsworth School both on their own account and as a result of their own contacts with Mr Taplin. It is only recently, following discussions between the Head and the Safer Travel Team Leader that the school have accepted the need for remedial action in terms of taking forward its School Travel Plan on the lines set out in the document submitted with the planning application.

For the moment, the County Planning Authority are satisfied that progress is being made towards resolution of the breach, albeit at a relatively early stage, and that the breach is being followed up in accordance with the adopted protocol. However, the limitations of a School Travel Plan must be recognised. It is a tool to mitigate traffic issues related to schools and will only rarely solve issues completely.

Tim Hall
Chairman of the Planning and Regulatory Committee

ANNEX C

Buckland Primary School statement - November 2017

Land at Manor farm, Ashford Road, and Worple Road and land west of Queen Mary Reservoir, Ashford Road, and Laleham Surrey

Detailed Landform and planting design proposals for Phase 1 within manor Farm

Statement

Buckland Primary School object to the extraction of sand and gravel from land at Manor farm and to the restoration of the land at Manor Farm to landscaped lakes and a nature conservation area on land to the east of the public right of way. The views of Buckland Primary have not been sought in relation to the restoration of the land at Manor Farm and the creation of a conservation study area.

The Proposal

Paragraph 10:

- Buckland Primary object to the creation of a conservation study area
- Our views and wishes have not been taken into consideration in relation to the restoration of Phase 1. Not discussion has taken place with school leaders, families, pupils and governors.
- Buckland Primary School already have to conservation/wildlife sites within our school grounds

Landform design

Paragraph 12

- The school objects to the close proximity of a deep body of water (maximum of 12.00m) to the school. These depths are hazardous and form a healthy and safety risk to our children.
- The school objects to shallow slopes on the water's edge which would fall/drop away more steeply to the excavated depth of 8m.

Signed and date

Monday 13th November 2017



Rebecca Hutton
Headteacher
Buckland Primary School

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