

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 27 September 2023 at Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

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

Members:

(In attendance = *)

Ernest Mallett MBE*
Jeffrey Gray*
Victor Lewanski*
Catherine Powell*
Jeremy Webster*
Edward Hawkins (Chairman) *
Richard Tear (Vice-Chairman) *
Nick Darby (substitute) *
Scott Lewis
John Robini
Jonathan Hulley

51/23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Scott Lewis. Nick Darby acted as a substituted due to a vacancy.

52/23 MINUTES OF THE LAST MEETING [Item 2]

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

53/23 PETITIONS [Item 3]

There were none.

54/23 PUBLIC QUESTION TIME [Item 4]

There were none.

55/23 MEMBERS' QUESTION TIME [Item 5]

There were none.

56/23 DECLARATIONS OF INTERESTS [Item 6]

There were none.

57/23 SURREY COUNTY COUNCIL PROPOSAL RE/23/00467/CON - FORMER BENTLEY DAY CENTRE, THE HORSESHOE, BANSTEAD, SURREY, SM7 2BQ [Item 7]

Officers:

James Nolan, Senior Planning Officer
Sian Saadeh, Planning Development Manager

Key points raised during the discussion:

1. The Senior Planning Officer introduced the report and provided a brief summary. Members noted that the application was for the erection of part 4- and part 5-storey building (with additional lower ground floor) for extra care accommodation, comprising self-contained apartments, staff and communal facilities, and associated parking. Appearance and landscaping reserved. (Amended Plans). Members noted that an update sheet was published within a supplementary agenda on 26 September 2023.
2. The Chairman stated that he was minded to propose that a decision on the reserve matters return to the committee when appropriate.
3. In regard to root protection areas, a Member requested that Condition 16 was reworded to allow for increased protections for the roots of trees. An officer suggested that the wording 'Tree protection measures' was included to allow different protection measures to be considered if agreed by the tree protection specialist.
4. A Member said that were pleased to see that the application was making the best use of the land.
5. In regard to the height of the proposed design, a Member said that during the site visit they felt that the tree canopy would provide good cover. The Member added that he agreed that it would be appropriate for the reserved matters to return to the committee for decision.
6. The Chairman confirmed that the number of units was 53.
7. The Chairman moved the amended recommendation, which included reference to the reserve matters returning to committee, which received unanimous support.

Actions / Further information to be provided:

None.

Resolved:

That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, outline planning application ref: RE/23/00467/CON be granted subject to the conditions outlined within the report and update sheet.

That the reserve matters return to committee for Members' consideration.

58/23 SURREY COUNTY COUNCIL PROPOSAL RE23/01392/CON - THE OAKWOOD SCHOOL, BALCOMBE ROAD, HORLEY, SURREY RH6 9AE [Item 8]

Officers:

Jessica Darvill, PDP Planning Officer

Key points raised during the discussion:

1. The Chairman noted that a member of the public wished to speak however did not formally register to speak prior to the deadline.

2. The PDP Planning Officer introduced the report and provided a brief summary. Members noted that the application was for the erection of five (5 No) lighting columns and LED lighting lanterns within parking zone 1 and four (4 No) lighting columns and LED lighting lanterns with in parking zone 2 (part retrospective). Members noted that an update sheet was published within a supplementary agenda on 26 September 2023. Officers also proposed an informative regarding the definition of 'term time'. This would read 'the Surrey term time is defined by the Surrey County Council educational authority. Details of the school term dates can be found on the online (link provided).
3. A Member stated that he rejected resident comments regarding lighting as it was a small infringement and that he supported the application.
4. A Member said that she supported the application but requested that a reminder was sent to the applicant to set an example by not submitting retrospective applications.
5. The Chairman moved the recommendation, which included any amended conditions or informatives outlined within the update sheet or noted during the meeting, which received unanimous support.

Actions / Further information to be provided:

None.

Resolved:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning application ref: RE23/01392/CON be granted subject to conditions.

59/23 APPLICATION FOR VILLAGE GREEN STATUS, LAND AT REGENT CRESCENT, REDHILL [Item 9]

Officers:

Catherine Valiant, Countryside Access Officer
Judith Shephard, Senior Lawyer

Key points raised during the discussion:

1. The Countryside Access Officer introduced the report and provided a brief summery. Members noted that the committee was asked to consider whether to register the land the subject of this application as a Village Green. The application for Village Green status was by Neil Jones as Chair of the Regent Crescent Green Preservation Society (the Applicant) dated 4 May 2021 relating to land at Regent Crescent, Redhill. Members noted an explanation of the difference between 'as of right' and 'by right' in matters of this type.
2. A Member stated that he supported paragraphs 7.8 and 8.2 on page 106 of the agenda. The Member stated that he was minded to move that the committee accepted the recommendation noted within 8.2.
3. A Member said that he felt that the Highways issue was overwhelming and that he could see no other option but to follow the inspector's recommendation.
4. A Member stated that they struggled to understand why a small area of land was designated as Highways land as it was not road or

pavement. The legal representative at the meeting stated that for the application to be successful then the use would need to be 'as of right' and so Members would have to agree that the area of land was not a area of highway. Officers further confirmed that the Highways agreement was looked at in detail during the Inquiry and the Inspector had concluded that the area had been designated as Highway land.

5. It was noted that Surrey County Council had either directly or indirectly maintained the land for many years.
6. Cllr Powell stated that she was concerned that, if Members were minded to agree with the officer recommendation, then any green space designated as Highways land could be sold for developed as it was not a protected green space. A Legal Representative at the meeting explained that a process to remove the public right of use would need to be completed before the land could be disposed of.
7. Officers confirmed that the area of land was accessible by the public.
8. The Committee noted details of the history of the area of land.

The Chairman adjourned the meeting from 11:40am to 11:45am

9. Cllr Mallett moved a motion that the committee vote on Recommendation 8.2 as outlined in the report. The Chairman asked the committee whether Members agreed with the conclusion of the inspector at the inquiry which was that the public used the land 'as of right' and not 'by right' as it was a public highway. 7 Members voted for, 1 voted against and there were no abstentions. Therefore the motion was lost.
10. Following discussion, the Chairman moved an amended Recommendation 8.1 which stated 'Officers recommend that the application be refused on the grounds that use of the land has been 'by right' and not 'as of right' as required by Section 15(2) of the Commons Act 2006 for the reasons given in the Inspector's Report' which received 6 votes for, 1 against and 1 abstention. Therefore the recommendation was agreed.
11. Cllr Mallet requested that his vote against the recommendation was recorded which was agreed by the Chairman.

Actions / Further information to be provided:

None.

Resolved:

The Planning and Regulatory Committee agreed that the application be refused on the grounds that use of the land has been 'by right' and not 'as of right' as required by Section 15(2) of the Commons Act 2006 for the reasons given in the Inspector's Report.

60/23 TEMPORARY FOOTPATH DIVERSION ORDER - FOOTPATH 163 (BLETCHINGLEY) [Item 10]

Officers:

Catherine Valiant, Countryside Access Officer

Key points raised during the discussion:

1. The Countryside Access Officer introduced the report and provided a brief summary as outlined in the officer report. Members noted that the application was for the temporary diversion of Public Footpath No 163 from the line A-B to the lines B-C as temporary footpath and C-D as temporary bridleway as shown on Drawing No. 3/1/21/H38A. On confirmation of the temporary diversion order the temporary bridleway shown C-D on Drawing No. 3/1/21/H38A will be dedicated as Public Bridleway 632. The Planning and Regulatory Committee was asked to agree that authority be granted to make a temporary diversion order under section 257 and 261 of the Town and Country Planning Act to temporarily divert Public Footpath No. 163 (Bletchingley) from the lines A-B to B-C as temporary footpath and C-D as temporary bridleway as shown on Drawing No. 3/1/21/H38A and that if any objections were received and maintained to the order that it was submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.
2. Members noted that an updated drawing was circulated and published in a supplementary agenda as the version previously circulated to Members was the incorrect version.
3. The Chairman moved the recommendation which was unanimously agreed.

Actions / Further information to be provided:

None.

Resolved:

The Committee agreed that authority be granted to make a temporary diversion order under section 257 and 261 of the Town and Country Planning Act to temporarily divert Public Footpath No. 163 from the line A-B to the lines B-C and E-C-D as shown on Drawing No. 3/1/21/H38.

If any objections are received and maintained to the Order, it will be submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.

61/23 CHANGES TO THE CODE OF BEST PRACTICE PLANNING AND STANDING ORDERS [Item 11]

Officers:

Caroline Smith, Planning Group Manager,

Key points raised during the discussion:

1. The Planning Group Manager introduced the report and provided a brief summary. The report was to consider the outcome of a review of the Planning and Regulatory Committee (P&R) undertaken by the Planning Advisory Service (PAS) which was reported to the July meeting. Members noted that several of the recommendations would require amendments to committee procedures. These could only be implemented through amendments to the County Council's

Constitution, specifically the Code of Best Practice Planning and Part 4 of the Standing Orders governing public speaking.

2. In regard to paragraph 7, the Chairman confirmed that Members would need to ask questions of speakers related to planning matters when asking for clarification.
3. Members noted that the number of public speakers proposed was six (three for and three against) due the opportunity for Members to asked questions for clarification. It was further noted that it had been proposed that a review of the new process was undertaken after six meetings of the Planning and Regulatory Committee.
4. A Member suggested that Members should ask questions of public speakers for clarification on an exceptional basis to better understand key points.
5. Members noted that the public website would be updated to reflect any changes to the procedure.
6. Members had a discussion on whether it was appropriate to prevent lobbying of Members of the Planning and Regulatory Committee. A Member stated that it was the Member's responsibility to remain unbiased prior to the debate.
7. Members noted that, if agreed, a report would be considered by Full Council prior to the next meeting of the Planning and Regulatory Committee.
8. The Chairman moved the recommendation which was unanimously agreed.

Actions / Further information to be provided:

None.

Resolved:

The Committee approved the proposed changes to the Code of Best Practice and the Standing Orders and to ask Council to formerly amend them at the meeting on 10 October 2023. The revised documents were attached at Annex 1 and Annex 2 of the report.

62/23 DATE OF NEXT MEETING [Item 12]

The date of the next meeting was noted.

Meeting closed at 12.10 pm

Chairman