

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 27 November 2024 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:**

\*= present

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

**59/24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Jonathan Hulley.

**60/24 MINUTES OF THE LAST MEETING [Item 2]**

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

**61/24 PETITIONS [Item 3]**

There were none.

**62/24 PUBLIC QUESTION TIME [Item 4]**

Five public questions were received. The questions and responses were published within a supplementary agenda on 26 November 2024.

1. Jackie Macey asked the following supplementary question:

Surrey County Council may believe that it did not permit the continued drilling and extraction of oil at the Horse Hill site since the quashing of the planning permission in June 2024. The continued extraction has been at the operator's own risk of formal enforcement action. However, it is clear to many that by ignoring this unlawful activity for months, the council is giving a green light to drilling which was only stopped as a result of extensive adverse media attention. The council has recently and fairly promptly issued a stop notice where an area of land close to Horse Hill was being used to unlawfully deposit waste materials and it states that this has been done as an immediate remedy of the most harmful aspects of the unlawful development, and yet when the

highest court in the land recognised that the extraction at Horse Hill site will cause the environment harm, the council failed to act. Will the council now take formal steps to ensure that the oil that has been produced since the Supreme Court judgement is not sold and the company do not profit from their unlawful and harmful activity in Surrey?

In response to the final part of the question, officers stated that they were aware that the question was raised in correspondence that Surrey County Council had received and were considering a response. In response to the first part of the question, officers stated that it was not permitted, in that the operator was advised and told that the continued extraction was unlawful, and that an enforcement investigation was beginning which does take time. In regard to the other site raised in the public question, officers stated that each site had its own circumstances which should be investigated properly, and that there was a key difference between an operator that is looking to work with the council towards a voluntary cessation, as with the Horse Hill site, and an operator that it not looking to work with the council. It was added that the purpose of the planning enforcement system was to seek remedy to planning harm.

2. Jakki Phillips asked the following supplementary question on behalf of Deborah Elliott:

Thank you for the written responses to previous questions asked about the unlawful oil production at Horse Hill, which referred to correspondence between the council and applicant as to when the applicant intended to submit additional information to set out the position in relation to the development and redetermination of the planning application. Has a timescale for this been set and can you share it with the public?

In response, officers stated that the definitive timescale on the submission of information had not been set as it was a matter of ongoing conversation. The officer added that details would be shared when available.

3. Neville Kemp asked the following supplementary question:

In the committee's reply to Cllr Jonathan Essex's supplementary question at the previous meeting, it was stated that the investigation had taken time, and that the work remained ongoing, and the investigation was still live. I would like to ask the committee what remains to be investigated and what outcome would bring the investigation to a satisfactory conclusion?

In response, officers stated that they were still reviewing information which had been obtained, as referred to in the previous response, which would inform next steps. The officers added that 'monitoring' was also an active element in terms of monitoring what the operator was doing at the site in terms of their cessation and remediation of the site. Part of the review of information obtained by officers was to inform further decisions as to what the conclusion of the case would be. The investigation and monitoring would remain live until officers were satisfied that the matter is resolved.

4. Trish Kyi asked the following supplementary question on behalf of Sarah Freeman:

How will Surrey County Council ensure that UKOG (UK Oil and Gas) will not recommence unlawful drilling at the Horse Hill site?

In response, officers stated that the enforcement system could not pre-emptively prevent something as it was a reactive system. If officers were to receive evidence that there had been the recommencement of extraction, officers would need to consider a robust course of action at that point in time.

5. Cllr Bob Barnes (Salfords & Sidlow Parish Council) asked the following supplementary question:

In relation to the Crosswinds site, where illegal tipping had taken place for 30 to 35 days, the councillor thanked officers for implementing an enforcement order and noted that the tipping had finally stopped. Now that the works have ceased, will Surrey County Council continue proceedings against the landowners and waste licence firms who were fully aware that they were complicit in illegal activities of waste dumping. Further to this, can you please advise what enforcement action, with a timeline, will be undertaken to ensure the landowner reinstates the site to its original state as a green belt field. What is Surrey County Council doing, in relation to an environment impact assessment screening report, to test the land for contamination?

In response, the officer confirmed that while the cessation of waste importation at the Crosswinds site was an important step, further action was required to address the remediation of the land, including the removal of the illegally dumped waste. The enforcement team was considering the necessary actions to achieve this, including setting appropriate timelines, but noted that due to the complexities of the situation, the process might take a significant amount of time. Regarding the Environmental Impact Assessment (EIA) screening, officers clarified that the council had screened, and would continue to screen, any actions taken, or applications received to determine whether they constituted EIA development, which was assessed based on thresholds of significant environmental impact. However, it was noted that concerns regarding land contamination from the waste might fall under the jurisdiction of the Environment Agency and other regulatory bodies and could require separate considerations.

#### **63/24 MEMBERS' QUESTION TIME [Item 5]**

One Member Question was submitted by Cllr Helyn Clack. The question and response was published within a supplementary agenda on 26 November 2024.

Cllr Helyn Clack asked the following supplementary question:

Will the council be able to recover the costs of the damage to the local public environment, including roads, verges, and ditches, caused by numerous lorries? The Member added that it was strongly believed that Surrey taxpayers should not bear the financial burden for these repairs.

In response, officers stated that the matter did not fall within the purview of the Planning Enforcement Team. However, they indicated that they could consult with colleagues in the Highways Enforcement Team to determine whether they would be able to investigate issues directly related to the damage to the

highway. The Chairman added that he would be interested in learning the outcome of the issue once available.

**64/24 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**65/24 SURREY COUNTY COUNCIL PROPOSAL RE24/00533/CON - FORMER CARE HOME, PARK HALL ROAD, REIGATE RH2 9LH [Item 7]**

**Officers:**

Katie Rayner, Principal Planning Officer

Sian Saadeh, Planning Development Manager

Nancy El-Shatoury, Principal Lawyer

James Lehane, Principal Transport Development Planning Officer

**Officer Introduction:**

Officers introduced the report, and update sheet, and provided an overview of the application and relevant highways details. Members noted that the proposal was for the demolition of a vacant single storey building formerly used as elderly persons accommodation and erection of a part single, part two storey building to provide new classroom support accommodation for primary and secondary pupils; staff facilities; construction of a Multi-Use Games Area; car parking spaces; associated hard and soft landscaping and associated works.

It was noted that further correspondence had been received from the RH29 Community Group including comments on the content of the officer report, recommended conditions should permission be granted, and a report from a senior clinical lecturer in paediatric and mental health. Further representations had also been received from members of the public. Officers had reviewed the information and concluded that they did not raise any material matters which had not already been reflected or discussed within the officer report. In addition, should planning permission be granted, changes had been proposed to two conditions, with two additional informatives, as outlined in the update sheet.

**Speakers:**

1. Kate Fairhurst spoke in objection to the application and made the following points:
  - a. That she was opposed to the application
  - b. That the location of the college on Park Hall Road was gravely inadequate for the schools proposed traffic load. The extra pressure placed on Park Hall Road and surrounding roads would be enormous.
  - c. That adequate provision was needed for the supervised pick-up and drop-off. The speaker did not feel the site offered sufficient

coverage as per the Department for Education (DfE) BB104 Guidance.

- d. That, given the wide catchment of the proposed college, it was reasonable to assume that individual taxis for students would be used, and that, in the worst case, there could be 62 – 72 taxis, twice a day, accessing the quite residential cul-de-sac.
- e. That the speaker felt the site was not compliant with the Council's own standards for the width of the school access road and was contrary to Reigate and Banstead Borough Council's DES1 Policy requiring adequate provision for access.
- f. In regard to air quality, a report from a Senior Clinical Lecturer at Queen Mary University had concluded that the proposed site would create air pollution significantly above World Health Organisation limits and would therefore be highly detrimental to students health.
- g. That Policy DES9 at Reigate and Banstead Council required a design to minimise the occupant's exposure to air pollution.
- h. That, in the speakers view, the site was wholly inappropriate in both transportation and air quality terms.

No Members raised any points for clarification.

- 2. Michael Mamalis spoke in objection to the application and made the following points:
  - a. That the need to improve Surrey's alternative provision (AP) was clear however the council was in danger of losing sight of the young people they were trying to serve.
  - b. The speaker stated that, as an Architect for 20 years, he had studied the proposal with increasing alarm.
  - c. That, due to closures elsewhere, the site would take 30% of Surrey's AP provision and would be the largest in the county.
  - d. That the amalgamation of three campuses in one location would bring together 5 to 16-year-olds, each with their own varied and distinct health and behavioural needs, which would complicate safeguarding issues.
  - e. That the Council had stated that 72 pupils would be the maximum number of pupils at the site however officers stated that they did not feel there was a need to restrict pupil numbers and hours of use by condition.
  - f. That the BB104 Guidance recommends a site area, where playing organised sports are involved, should be between 1.4 – 1.8 Hectares. Park Hall was 7 Hectares with a usable area for 6 Hectares. It was added that the proposed pupil area was 15% less than the existing site.
  - g. That the application site was too small to meet the BB104 Guidance.
  - h. In regard to air quality, a report from a Senior Clinical Lecturer at Queen Mary University had concluded that the proposed site would create air pollution significantly above World Health Organisation limits.
  - i. That, due to the combination of size limitations and environmental conditions, the sport facilities could only be included in the most polluted area of the site.

A Member sought further information on the size of the proposal in comparison to other relevant schools.

3. John Aitchison spoke in objection to the application and made the following points:
  - a. That he was speaking on behalf of hundreds of parents with children aged 10 and under who fear for their children's health and lives when walking to school in a polluted area.
  - b. Applauded the council for seeking to build a leading educational facility for children who require additional support.
  - c. That the proposed development would fail students and irreversibly damage the lives of those living, traveling or playing in the area.
  - d. Highlighted the damage caused by additional vehicles in the private and public roads surrounding the proposed development and invited the County's Highways Authority to make a new traffic assessment or alternatively to find a new venue to the provision of education.

No Members raised any points for clarification.

4. Christopher William John Seldon spoke in objection to the application and made the following points:
  - a. Asked Members of the Committee to reject the application.
  - b. Highlighted the negative impact the proposed application would have on surrounding neighbours and their health.
  - c. Highlighted that young children would live near the proposed site and be badly affected by the worsening pollution if the project moves forward.
  - d. That Park Hall Road would be affected by extra traffic, lack of replacement trees, lack of noise protection, and the out of keeping industrial design of the proposal. The height of the proposal and additional height due to solar panels was also raised.
  - e. That the education provision was needed in the county but would be better situated in another area due to faults with the current application.
  - f. That the Planning Report had not provided an updated project cost for the development.
  - g. That approval of the project would open councillors to the threat of legal action.
  - h. Asked Members to reject the proposal and demand a new application on another site which could offer less pollution, more space, better teaching facilities, safer access and lower cost.

On behalf of applicant, Dave Euridge, Inclusive Education Trust, David Holdaway, Velocity Transport Planners, Mark Ellson, Holmes Miller Architects and Lucy Mortimer, Teacher at RVC made the following points:

Dave Euridge, Inclusive Education Trust

- a. That he was representing families, staff, local schools and pupils to advocate for the planning permission.
- b. That the community urgently needed a purpose built alternative facility that met complex needs of pupils.
- c. That alternative provision schools improved pupil's future life chances by providing specialist support at an early age, enabling them to return

- more quickly and successfully to full time education with their friends and siblings in the local community.
- d. Reigate Valley College currently operated across three small sites, providing 12 primary and 60 secondary schools places. The current buildings are not fit for purpose as they are in poor condition which is likely to render them unusable within two years. They are too small to support the full cohort and lack the required facilities and space to provide a suitable learning environment to offer a full primary and secondary curriculum.
- e. Park Hall Road was the perfect site for Reigate Valley College and has been established as the only technically and financially viable option to meet the site requirements within the available budget.
- f. Benefits include that pupils could attend school closer to home and rooted in their local community, develop independent travel skills to use more sustainable means of travel, have adequate space on site to accommodate all school transport arrangements, a safer school site that maintains high standards of routine. safety, structure and supervision, direct access to open areas for therapeutic support, specialist teaching and learning facilities, architectural design that creates space and resources for flexible teaching,

A Member sought clarification on how the site was identified. The speaker stated that it was a collaboration between Surrey County Council and Inclusive Education Trust. The speaker also highlighted that the Sidlow site was located on a floodplain and was an insufficient size to house all 72 pupils.

A Member sought detail on pupils traveling to school in individual taxis. The speaker stated that pupils share taxis and that it was very rare for a student to arrive or depart individually.

The Speaker provided detail on the current sites for Reigate Valley College.

David Holdaway, Velocity Transport Planners

- a. That Reigate Valley College was a small alternative provision school and the day-to-date impact on vehicle traffic would be negligible compared to a mainstream school.
- b. Noted that, due to the remote learning and short stay nature of the school, no more than 62 pupils would be on site at any one time.
- c. That the school travel assessment team within Surrey County Council believed that consolidating to Park Hall Road would reduce the number of vehicles as there would be a higher occupancy per vehicle.
- d. Stated that there was no minimum policy expectation around parking and there was no requirement to contain all of the parking within the site however the application had designed out the risk by implementing ample space on site to accommodate both the long-stay arrangements and the short stay arrangements. The existing access and egress points were being widened and a one-way system would be implemented through the site.
- e. On-street parking restrictions were being implemented on Park Hall Road, Brokes Road and Brokes Crescent.
- f. In regard to the interpretation of highways design guidance, the speaker stated that it was ultimately for the County Highway Authority to assess the acceptability of standards.
- g. That refuse and service vehicles already serve Park Hall Road.

- h. In regard to local queueing and delay, the speaker stated that they had adopted industry standard practice that shows nil detriment on the local highways.
- i. That it was compliant with the Local Transport Plan, Healthy Streets for Surrey, and the County Highways Authority had raised no objection on parking safety, capacity and policy grounds.
- j. Stated that, ultimately, the assessment was deemed to be worst case and took no account of the fact that the school used to generate traffic as a care home, took no benefit from the fact that traffic was already generated by the three schools on the highway, and took no account of the potential for independent travel or the opportunity to stagger arrival and depart times.

A Member raised concern with the comment that the additional traffic would be negligible and stated that they counted 264 additional movements on Park Hall Road. The speaker stated that the need for taxis was overestimated and that it was very unusual for there to be one pupil transported in one taxi.

The speaker added that the traffic impact was deemed negligible in comparison to other schools in the county and highlighted that Reigate Valley College was one of the smallest schools in Surrey.

Mark Ellson, Holmes Miller Architects

- a. That the design of the proposal had been developed through close collaboration with Surrey County Council Capital Projects and Education Teams, and the Inclusive Education Trust.
- b. That through extensive engagement, the site of Park Hall Road and the design solution both met the requirements of the school staff and pupils and would ensure that teaching and support spaces offer the optimal environment for individual learning support and pupil development.
- c. That internally the building provided dedicated areas for both primary and secondary school pupils which are accessed from individual entrances from within the main school façade.
- d. That primary school classrooms were located on the ground floor, allowing pupils direct access to the south-facing playground and outdoor teaching spaces. Secondary classrooms were distributed across the ground and first floors, with practical teaching areas provided with direct access to school grounds.
- e. Stated that all internal spaces were designed with reference to the Department for Education output specification document with derogations only to suit the specific requirements and ambitions of the project.
- f. Provided detail on the location of the school within the site and its boundary.
- g. Stated that the air quality was assessed through monitoring data which concluded that the air quality levels within the site were suitable for the placement and that the air quality impact of the site to the surrounding area was negligible
- h. Stated that the design included renewable technologies to ensure the new school operates at net zero carbon operation status, includes a flat roof design with photovoltaic panel installation, classrooms with north-south to optimise internal day-lighting, a highly insulated and near-tight envelope to maintain internal temperatures and mitigate



heat loss, and an innovative timber frame construction with enhanced fabric performance.

A Member noted that the Multi-Use Games Area (MUGA) had been situated away from residential properties but positioned closer to the nearby road. In response, the speaker explained that advice from both noise and air quality consultants had been sought during the site design. They also highlighted that the MUGA was proposed on the eastern side of the site, which allowed the south-facing outdoor teaching spaces to be sheltered from some of the noise generated by pupils playing sports in the area.

A Member noted that while the applicant referenced adherence to Department for Education guidance, the proposal appeared to deviate in terms of the building's specifications. The guidance recommended a minimum classroom height of 2.7 metres, with an average of 3.3 metres, whereas the proposal indicated a height of 2.6 metres. The Member questioned why this aspect of the guidance was not being followed. The speaker clarified that the application of Department for Education guidance had been carefully considered, as had been the practice for several years. It was explained that the pupils in question would be taught in groups of two or three, which aligned more closely with the specifications for SCN (Special Complex Needs) or therapy spaces. For these types of teaching spaces, the Department for Education guidance specified a minimum height of 2.4 metres, generally increasing to 2.55 metres and, in this case, up to 2.6 metres. The speaker emphasised that the building design had been specifically tailored to meet the needs of the school, rather than applying a generalised interpretation of the Department for Education standards.

Lucy Mortimer, Teacher at Reigate Valley College

- a. A statement was read on behalf of a student at Reigate Valley College, describing their journey since joining the school in September 2020. The student shared how they had previously been excluded from school, felt lost, and struggled with anger and fear. Upon joining Reigate Valley College, they found a supportive environment where staff helped them with both academic and personal challenges, teaching them to manage stress, build positive relationships, and recognise their potential. The student expressed gratitude to the college for transforming their life, enabling them to secure a job and a brighter future. They emphasised the importance of the school to the community and advocated for improved facilities, noting that the current buildings are outdated, unsafe, and do not reflect the high quality of work happening within.

**Key points raised during the discussion:**

1. A Member stated that they had mixed feelings due to the need for the facility and the impact on the local area. The Member asked whether

enforcement teams or the local police had been contacted to ensure parking restrictions were enforced. In response, the officer explained that Surrey County Council had the authority to enforce infringements on traffic regulation orders. They stated that the final details of any restrictions would have been subject to consultation with local residents. While the proposed yellow lines were considered beneficial, the Highway Authority's assessment indicated that their absence was unlikely to have a material impact on highway safety. The officer also noted that a condition requiring a car park management plan had been included. This plan would allow the Highway Authority to monitor site operations, including travel methods, car park functionality, and traffic behaviour. They emphasised that multiple measures were in place to monitor and address any issues if they arose.

2. A Member expressed support for the application, noting that there were no valid planning reasons for refusal. While they acknowledged the site could have been more financially valuable as housing, this was not a planning matter. The Member highlighted that schools were commonly located in residential areas and often caused some traffic congestion at pick-up and drop-off times, which was typical and manageable. The Member stated that the proposed school's impact would be minimal, given its small size and limited operating hours. Although they criticised the design as unremarkable, they noted that the drop-off and pick-up arrangements were better than those provided at most schools. In conclusion, the Member considered this a minor development compared to other schools in Surrey and supported the application.
3. The Chairman asked officers whether the number of student spaces, stated as 72, was not fixed and if this was correct. Officers confirmed that no condition had been imposed to limit the number of spaces, as planning conditions were intended to mitigate identified harm. They explained that their recommendation was based on the view that no harm had been identified that would require such a condition. However, they noted that the committee had the authority to impose a condition if they saw fit.
4. A Member requested detail on air quality. In response, officers stated that the officer report had covered air quality in detail, starting at paragraph 136. The applicant had submitted an air quality assessment, which examined the impact of additional vehicle movements and existing road pollution on the site's users. This assessment had been critically reviewed by the county air quality consultant, who had raised no concerns regarding nitrogen, PM10, or PM2.5 pollutants. Although residents had raised concerns based on World Health Organisation targets, these were not part of adopted UK policy and should not have been used as a basis for assessing the application. Overall, the placement of the outdoor spaces was deemed suitable, and it was demonstrated that the proposal would not adversely affect air quality for either the site's users or the nearby residents.

5. In terms of air quality impacts along the main road and the A217, the Highways officer stated that they could only assess the change in traffic levels and whether it represented a significant or material change. It was noted that the section of road already had over 16,000 movements per day, and adding movements from the site was not considered a material change.
6. Furthermore, regarding pedestrian routing to the site, the officer stated that there was recognition of the specific considerations for SEN and AP provision. The officer stated that, while the majority of students were unlikely to travel via active modes of transport, efforts to encourage sustainable travel were supported. The officer noted that many SEN placements were located further from town centres and have less existing infrastructure than the proposed site. Improvements to pedestrian connectivity were possible, but the lack of such improvements in this application were not seen as a material reason to refuse it.
7. Officers highlighted that the assumptions regarding the share of children per vehicle (2.2 – 2.4 children) were approximate averages. These figures were consistent with assumptions applied to other SEN and AP school placements considered by the authority in recent years and were not inconsistent with what was typically expected.
8. A Member expressed feeling conflicted, recognising the increasing unmet need for school places, particularly in AP schools, leading to more children unable to attend them. However, they raised concerns about the noise impact on children with ASD. Despite the officer's report stating that noise could be mitigated by a 2.4-metre high fence, the Member felt that 60 decibels was still high for children sensitive to sudden noise, such as a lorry driving past or an accident. They were concerned about the placement of the AP facility next to a main road and questioned whether the noise impact on the children had been sufficiently considered in the officer's report. The Member also expressed discomfort with the building's design, finding it mismatched with the surrounding area and in contrast to the care home opposite. They sought the officers' view on the noise impact and the design's appropriateness in relation to the site.
9. The Chairman expressed concern that the proposed building did not blend well with the surrounding area.
10. Officers confirmed that the nature of the use and its impact on noise had been considered during discussions, with multiple iterations made to address concerns about noise levels, particularly in relation to SEND use. Regarding the design, the officer acknowledged that the building was non-domestic and the question of its fit within the area was a matter of balance, ultimately for the committee to decide. They highlighted that the site was atypical and that any new development would naturally differ from existing buildings. The officer's view was that the proposed building, with landscaping mitigation, would not be harmful, but it was for the committee to determine. They also noted the

need to balance these considerations with the broader benefits of the scheme.

11. In regard to noise, officers explained that initial concerns about elevated noise levels in the external areas of the site were raised with the applicant. In response, an acoustic screen was proposed along the eastern boundary of the MUGA and outdoor play spaces, reducing noise by four decibels. However, this did not meet the recommended guidance. The screen was then extended along the southern boundary, reducing the noise levels below 60 decibels, with most play areas now at 50 to 55 decibels, which was deemed acceptable by the county's noise consultants.
12. Officers noted that the area of Reigate was not designated for protection due to its landscape characteristics. It was an urban environment with a mix of different architectural styles, including flat roofs and four-storey buildings. Therefore, there was no specific or defined style that needed to be adopted for the proposal.
13. A member expressed concerns about several aspects of the proposal, particularly regarding the potential growth of pupil numbers at the school. They questioned why the role of the school wouldn't expand beyond its capacity, especially given the increasing demand for such provisions. They raised the issue of whether the number of pupils should be conditioned, as there were concerns about the school's growth potentially compromising the quality of provision. They referenced discussions about small group teaching and specific needs of students, particularly those with ASD, and suggested that if the number of pupils could not be conditioned, then the stated figure of 72 pupils would be meaningless. The member indicated their willingness to propose a condition to ensure that the school would not exceed 72 pupils.
14. A member expressed mixed feelings about the proposal, noting that while there were no clear planning reasons to refuse or accept the application, they felt it could be the right type of building but in the wrong location. They shared concerns raised by other Members regarding the impact of noise on children with ASD, highlighting that while an acoustic fence could mitigate background noise, it would not address the issue of sudden, disruptive sounds, which could significantly affect sensitive individuals. The member also expressed surprise that the council could not find a more suitable site, given the special needs of the children, and emphasised that these children should be a priority.
15. It was noted that, if the committee were not inclined to follow the officer's recommendation, the concerns would be referred back to the applicant for consideration, rather than a refusal.
16. Officers explained that conditions should address issues that might otherwise justify refusal. While they did not propose limiting pupil numbers, citing the site's self-limiting factors, they acknowledged that such a condition could be imposed if members identified specific

harms, such as impacts on highways or residential amenities, that needed mitigation.

17. A Member raised concerns about the lack of detail regarding alternative site assessments. While paragraph 46 of the report stated that a thorough search was conducted and Park Hall Road was deemed the only viable location, the application did not include specifics about other sites considered or reasons for their dismissal.
18. Officers clarified that it was not the planning team's role to select or assess alternative sites, as their responsibility was limited to evaluating whether the proposed development on the presented site was acceptable. Officers acknowledged that the applicant had referenced a site assessment as part of their justification but emphasised that this process fell outside the remit of the planning team. The Member suggested that providing this detail would address public queries about why other locations, such as Woodhatch Place, had not been considered. In response, officers clarified that references in the report regarding alternative sites were based solely on the information provided in the applicant's planning statement. They emphasised that their role was to assess the application as presented, and any further considerations regarding alternative sites by other council departments were not relevant to the planning process.
19. The Chairman acknowledged that the site was previously developed land in a residential area, aligning with government policy to make use of such sites. While recognising the urgent need for facilities to support vulnerable children, they expressed personal reservations about the suitability of the location for this particular facility.
20. The legal representative at the meeting explained that, under the code of best practice, if the committee were minded to refuse a county council planning application, the application would have to be referred back to the applicant. This would provide the applicant with an opportunity to reconsider and possibly amend the application in consultation with the planning team. The representative emphasised that Members would have to agree on specific grounds for refusal to facilitate this process.
21. A Committee Member emphasised that the committee must assess the application on its own merits, rather than comparing it to other potential sites. And stressed that the committee's responsibility was to determine whether the current proposal was acceptable.
22. The Committee discussed potential reasons for refusal. Following this, the chairman moved the officers' recommendation, as outlined in the report, with an amendment to include a condition limiting the number of pupils to 72. The vote received 2 votes For, 8 votes Against and no Abstentions. Therefore, the recommendation was lost. In light of this, the chairman agreed to adjourn the meeting for five minutes to give officers the opportunity to reflect on the discussion and consider appropriate reasons for refusal.
23. Officers advised the following wording be used as a reason for refusal 'The proposed development, including the appearance of the building

and layout of the site, would fail to promote or reinforce local distinctiveness, nor respect the character of the local area, and would fail to ensure an acceptable environment for future users contrary to DES1 and DES9, as well as the Reigate and Banstead Borough Council Local Character & Distinctiveness Design Guide Supplementary Planning Document.

24. The Chairman moved to refer the application back to the Applicant, for the reasons outlined in paragraph 23 of these minutes, which received 9 votes For, 1 Against and no abstentions.

**Actions / Further information to be provided:**

None.

**Resolved:**

The Committee referred the application back to the applicant as the proposed development, including the appearance of the building and layout of the site, would fail to promote or reinforce local distinctiveness, nor respect the character of the local area, and would fail to ensure an acceptable environment for future users contrary to DES1 and DES9, and the Reigate and Banstead Borough Council Local Character & Distinctiveness Design Guide Supplementary Planning Document.

**66/24 SURREY COUNTY COUNCIL PROPOSAL RU.23/1759 - MEADOWCROFT COMMUNITY INFANT SCHOOL, LITTLE GREEN LANE, CHERTSEY KT16 9PT [Item 8]**

**Officers:**

David Maxwell, Senior Planning Policy Officer

**Officer Introduction:**

The officer introduced the item and the update sheet. Members noted that the application was for an extension to existing school and new classroom building following demolition of existing caretaker's accommodation, alteration to parking layout, and alteration to external areas including multi-use games area to enable increase in pupil numbers from 90 to 210.

**Speakers:**

None.

**Key points raised during the discussion:**

1. A Member acknowledged the need for the facility but felt that, given the site's limitations, it did not adequately address the educational needs of the area. They believed it was the wrong solution but recognised that they needed to decide on the application in front of them.
2. A member noted that bringing children from six or seven different sites to this new location could only be a positive development.
3. A member expressed support for the application, acknowledging the positive impact of consolidating students from multiple sites. However, they raised a serious concern about the plan to extend a 51-year-old building that the officer's report described as nearing the end of its useful life. They suggested that this issue should be referred to the Cabinet Member for Property, Waste and Infrastructure for consideration, particularly regarding any other potential sites for future projects. Despite this concern, the Member decided to support the application, recognising the excellent work being done by the staff on the site under challenging circumstances.
4. A member acknowledged the positives of the proposed development, noting that with at least 300 new homes being built nearby, it was likely to lead to many students walking to the school. While they expressed concerns about the volume of property being developed within close proximity to the school and potential future issues, they were still inclined to support the application.
5. The Chairman moved the officers' recommendation which received unanimous support and was therefore carried.
6. The Chairman agreed to write to the Cabinet Member for Property, Waste and Infrastructure to outline the committee's concerns.

**Actions / Further information to be provided:**

The Chairman agreed to write to the Cabinet Member for Property, Waste, and Infrastructure to convey the committee's concerns as highlighted during the discussion.

**Resolved:**

That pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992, the Committee grants planning permission for application ref: RU.23/1759 subject to the recommended planning conditions outlined in the report and update sheet.

**67/24 APPLICATION FOR VILLAGE GREEN STATUS, LAND AT THE DELL, PAINSHILL, LIMPSFIELD [Item 9]**

**Officers:**

Catherine Valiant, Countryside Access Officer Commons  
Judith Shephard, Senior Lawyer

**Officer Introduction:**

The Officer introduced the report and provided a brief overview. Members noted that the report concerned whether to accept the withdrawal of a request to register land at The Dell in Limpsfield as a town or village green. The application was originally made on 14 January 2021, prompted by a landowner statement that ended the public's right to use the land. Following the application, 12 objections were received from the landowner and neighbouring landowners. In July 2023, the applicants decided to withdraw their application after receiving advice from the Open Spaces Society, which indicated that the application was unlikely to succeed due to legal precedents involving utility-owned land.

The withdrawal request was advertised, but no substantial objections or support for continuing the application were received. The landowner confirmed that the land is used for water undertakings and that there are no plans to develop it or allow further public use beyond the existing public right of way.

Members noted that the committee was being asked to decide whether to accept the withdrawal request. If accepted, the landowner statement would prevent any future village green applications for a long period. If the withdrawal was not accepted, it would be challenging to continue without public support, and further investigation, including the possibility of a non-statutory public inquiry, would be necessary.

The recommendation was to accept the withdrawal request due to the lack of public interest in continuing the application, the potential issues with statutory incompatibility, and the difficulty in proceeding without an applicant.

**Speakers:**

None.

**Key points raised during the discussion:**

1. The Chairman moved the officer recommendation which received unanimous support.

**Actions / Further information to be provided:**

None.

**Resolved:**

The Committee agreed that the Applicants request to withdraw the Application is accepted on the grounds that it is reasonable in the circumstances for the reasons given in this report.



**68/24 REFERRAL OF PUBLIC FOOTPATH 24 (LEATHERHEAD) GREEN LANE LEVEL CROSSING, DEFINITIVE MAP MODIFICATION ORDER TO THE SECRETARY OF STATE [Item 10]**

**Officers:**

Dan Williams, Senior Countryside Access Officer Legal Definition

**Officer Introduction:**

1. The report was presented to the committee to seek guidance on how to proceed following a decision made by the Mole Valley Local Committee. It was emphasised that this was not an opportunity to revisit or amend the original decision. The issue arose in 2021 after Network Rail submitted evidence pointing to an error on the 1966 definitive map regarding a level crossing. After investigating the matter, the Officer found that the evidence showed that a public footpath was shown over the crossing in error. The Mole Valley local committee did not agree to remove the incorrect line from the map, but instead directed that the definitive statement be amended to align it with the definitive map, as they disagreed with the officer's findings. Following this, a definitive map modification order (DMMO) was made in June 2022, based on the committee's decision. The order was advertised, and only one objection was received from Network Rail. As the council could not resolve this objection, the matter was referred to the Secretary of State for determination. However, it became clear that the committee had not decided how to proceed if objections to the order were received. Legal advice suggested that the committee now needed to clarify its position on whether it supported or rejected the order. Counsel indicated that the authority granted by the resolutions in 2021 was limited to making the order itself, without providing any guidance on how to handle objections.
2. The Officer presented Members with three options. The first option was to support the order, which would require the council to present a full case, including expert witnesses and legal representation. The second option was to decide not to support the order, in which case the committee would need to provide reasons for rejecting it, based on the available evidence. The third option was for the committee to take no position, providing all relevant documentation to an independent inspector who would make the final decision. In conclusion, the committee was asked to decide how to proceed with the submission to the Secretary of State. The report did not recommend a specific course of action but instead sought the committee's guidance on the way forward.

**Key points raised during the discussion:**

1. it was noted that the local member, Chris Townsend, had wished to address the committee. However, due to a longstanding family engagement, he was unable to attend the meeting.
2. A Member expressed their preference for option three, which involves taking a neutral stance. They argued that this option would require the least amount of work and incur no significant expenses. In response, the officer clarified that although the council may not actively support the order, it still has a longstanding duty under the 1981 Act. The council would incur some expenses, including compiling and organising the evidence in a way that the Secretary of State could consider. Furthermore, if a public inquiry were to be arranged, the council would be responsible for providing administrative support and securing a venue. Therefore, while option three may involve less work, it would not eliminate the council's obligations.
3. The Senior Countryside Access Officer (Legal Definition) provided Members with a further overview of the context as outlined in the published report.
4. A member stated that, after thoroughly reviewing the evidence in the case, they believed an argument could be made in either direction. Given the lack of expertise on the committee, the Member proposed adopting option three, taking a neutral stance, as the documents could be interpreted in various ways.
5. The Chairman moved a motion to take a neutral stance at Inquiry (or other forum) which received unanimous support.

**Actions / Further information to be provided:**

None.

**Resolved:**

The Committee agreed to take a neutral stance at Inquiry (or other forum).

**69/24 DATE OF NEXT MEETING [Item 11]**

The date of the next meeting was noted.

Meeting closed at 1.45 pm

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**Chairman**