

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 27 July 2022 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

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

**Members Present:**

Tim Hall (Chairman)  
Ernest Mallett MBE  
Penny Rivers  
Jeffrey Gray  
Jonathan Hulley (Vice-Chairman)  
Victor Lewanski  
David Lewis  
Scott Lewis  
Catherine Powell  
Richard Tear  
Jeremy Webster

**58/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

None received.

**59/22 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes which were published within a supplementary agenda on 26 July 2022 were approved as an accurate record of the previous meeting.

**60/22 PETITIONS [Item 3]**

There were none.

**61/22 PUBLIC QUESTION TIME [Item 4]**

There were none.

**62/22 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**63/22 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**64/22 SURREY COUNTY COUNCIL PROPOSAL RU.21/2018 - LAND AT JUNCTION 10, A320 GUILDFORD ROAD, OTTERSASHAW [Item 7]**

**Officers:**

Caroline Smith (Planning Group Manager)  
 Stephen Jenkins (Planning Development Manager)  
 Janine Wright (Principal Planning Officer)  
 Tim Dukes (Principal Transport Development Planning Officer)  
 Nancy El-Shatoury (Principal Highways and Planning Solicitor)  
 Dawn Horton-Baker, Development Management Team Leader  
 Samantha Murphy, Development Management Team Leader

The Chairman allowed Members time to consider the update sheet which was published within a supplementary agenda on 26 July 2022. The Chairman also noted that a site visit took place on 22 July 2022.

**Speakers:**

Sus López-García made representations in objection to the application. The following key points were made:

1. That residents were extremely disappointment with the application and asked members to intervene to restore faith in the democratic process.
2. That they had identified inaccuracies including significant vegetation that had not been mentioned within the schedule for removal.
3. There was omissions and misrepresentations in the case officer report.
4. That there was a viable alternative scheme for the alignment of Murray Road which did not interfere with the council's aims.
5. That Arcadis had stated that removal of intact native species-rich hedgerow would be negative.
6. That the hedgerow had amenity and cultural value and provided a greater visual barrier to filter noise and pollutants.
7. That Maintaining 110m of hedgerows with trees qualified for 'important hedgerows' and would claim protective status and that in linear form would enable the use of green infrastructure and promote a sustainable development.
8. That linear features of habitats were not mentioned within any of Arcadis' reports and that there was no mention of paragraph 131 of the MPPF within the officer report.
9. The council's design minimises the importance of local assets and their communal value.
10. That maintaining a linier form of Murrey Road maximised heritage.
11. That residents' proposal retains a village 'feel' without changing historical context.
12. That Arcadis stated that Murrey Road provided historical context to the listed buildings and that the realignment of the road from its historical course detracted from the understanding of local assets.
13. That loss of trees and hedgerows would have a localised effect and significantly alter the wider local landscape character.
14. That the residents' tree expert stated that the council's design threatened trees and that there was a high risk of removal. Furthermore, residents' proposal mitigated the impact on trees.

15. That by moving the T-Junction past Mawbey Road it would achieve all the above points however the council had not evolved their design to achieve a sustainable development.
16. Stated that the application should be rejected or, with Members' support, be deferred until independent specialist consultants thoroughly examine both proposals

David McMurtary made representations in objection to the application. The following key points were made:

1. That Motion Consultants had undertaken a review of the eastern alignment of the roundabout redesign and its impact on vegetation, heritage assets and local residents.
2. That Motion's view was that the council scheme had a material impact on existing vegetation and heritage assets.
3. That alternative alignment could be prepared which better ensured that existing vegetation was retained. The scheme also included wider traffic improvement works.
4. That they sought to demonstrate that an alternative alignment could be achieved and that the council should review and consider it fully.
5. That Motion had worked to not have an impact on the roundabout within their proposals.
6. That a deferral would give the council an opportunity to reassess the alignment.

The applicant's agent, Nicholas Henderson, spoke in response to the public speakers' comments. The following key points were made:

1. That the heritage statement provided detail on the significance of Murray House and all other heritage assets.
2. That changes to trees, hedgerows and open space were a consideration for an amenity, ecological or landscape visual impact assessment and do not directly relate to the value of heritage assets and that detail on this and reasons why could be found within the heritage statement.
3. That they did not agree that removal of the trees and hedgerows would change the contribution that the setting made to the significance of the listed or locally listed buildings.
4. That the heritage statement recognised that there would be some impact but not enough that there would be substantial harm.
5. That the heritage statement recognised that there would be some enhancements to the heritage significance.
6. In regard to the T-Junction being moved eastwards, it would result in a loss of hedgerows and appeared to be aligned with other trees requiring removal.
7. The design that had been offered had not been provided in terms of vertical alignment and was difficult to understand whether there would be an impact on the root protection area.
8. Provided detail on the proposed retained trees and trees to be planted.
9. Noted that proposals included the planting of a species-rich hedgerow.
10. That the design proposals noted by the speakers appeared to not be in compliance with the Design Manual for Roads and Bridges (DMRB) and include some deficiencies. It was also noted that it was believed that the design had not been checked for a Road Safety Audit or traffic modelling.

**Key points raised during the discussion:**

1. The Officer introduced the report and noted that the proposed development on land at the junction of A320 Guildford Road with A319 Chobham Road, Foxhills Road, Murray Road and Brox Road, Ottershaw. Planning application to carry out improvements to the existing highway including a new roundabout, junctions, access, pedestrian/cycle connections and crossings, public car park, landscaping and associated infrastructure and engineering works. The officer further noted that an updated sheet was published on 26 July 2022. Full detail could be located within the officer report. Members were presented with a series of photos and plans which have been attached to these minutes as Appendix 1.
2. In regard to the Traffic Management Plan and positioning of pavements, bus stops, traffic calming tabletops and speed limits, it was officers understanding that the design process included consultation with relevant teams within the council which included Passenger Transport and the Road Safety Team.
3. Members noted that the design was initially reviewed by a Road Safety Auditor. Following this, a second stage of auditing took place which included a further review by a Road Safety Auditor. A final review would be undertaken once works were complete.
4. Members raised concern that the carpark would exceed the root protection area of two trees. Officers explained that Condition 6 was in regard to tree protection areas and was a prior to commencement condition. Before any works started on site the applicant was required to provide details of how the tree protection measures would be put in place to make sure the tree roots were adequately protected. This may include the need to rearrange elements of the carpark.
5. Members noted reports of unsafe driving within local roads and asked what the scope of road safety assessments during and after works were completed. Officers reconfirmed details of the road safety audit and also that modelling would be carried out on both a strategic and local level. Officers highlighted that the overall aim of the works was to facilitate the movement of people along the A320 which should reduce the pressure on smaller local 'rat-run' roads. The Committee further noted that the Street Works Scheme would consider the impact of any traffic management that was implemented. Members agreed that, if approved, to include an informative within the decision to state that the Street Works Team consult local ward councillors so that resident concerns could be passed on and considered.
6. Members noted that that the delivery of the allocated site was reliant on the A320 works.
7. Members asked for clarification as the report stated that the construction of works would take place near or within the root protection areas and canopies of retained trees, however, the update sheet stated that there would be no excavation or raising or lowering of levels within the root protection areas. Members noted that development could still take place within a root protection area if, for example, digging was completed by hand, however the detail on the specific works to take place was to be confirmed. Following on from this, Members stated that they were still concerned with the inconsistency between the report and update sheet regarding works within the root protection areas.

8. Officers stated that the council aimed to improve the road network so that additional capacity could be facilitated before the housing developments were complicated to reduce congestion.
9. The Committee noted that the way in which the mixing of pedestrians and cyclists within a route was handled. Members went on to note that there was no plans to segregate cyclists and pedestrians within the debated scheme.
10. A Member stated that they were concerned about the loss of vegetation within the proposal.
11. In regard to the replacement of vegetation, a Member stated that they would prefer replacements to be like-for-like or as close as possible to the removed vegetation.
12. A Member noted that an Air Quality Assessment was not required as the application site did not fall within an air quality management area but went on to say that they believed it would be sensible to conduct an assessment anyway due to the impact on local people. Officers explained that an assessment would not usually be completed for this type of application as there were no proposals to increase vehicle movement.
13. A Member stated that, when visiting the site, they felt that there were some pedestrian facilities missing. Officers explained that any missing facilities or potential improvements would be picked up within one of the road safety audits.
14. Officers confirmed that the applicant had said that species-rich hedgerows would be retained and that there was also additional landscaping proposed within the site itself.
15. In regard to Members concerns around tree protection, officers confirmed that they would amend Condition 5.7 to state that details shall be provided on any excavations required. This would make the condition more consistent with the arboriculture report.
16. A Member asked for confirmation on what increase in vehicle movements the scheme would provide. Officers said that that the results of modelling demonstrated that capacity would be increase and that the ratio of flow capacity would not go beyond the maximum however officers were unable to confirm exact percentages. Members further noted that the capacity had been modelled and based on accommodating the requirements of the 2030 Local Plan
17. A Member provided further context on the traffic related issues in the area and the need for an improved road network.
18. A Member stressed that the conditions should include a requirement for a constructability review that looked at the impact on local people and where any traffic would displace to so that it can be taking into consideration by officers.
19. Officers highlighted that the application was a housing infrastructure fund scheme so it was a specific proposal in relation to an allocation in the Local Plan so was not part of the council's improvement to the overall network. Furthermore the modelling only included the period of the Local Plan which was for 2030.
20. A Member thanked the case officer and other officers for their work on the application and also thank the applicant for their continued dialogue with Members and members of the community.
21. The committee and officers discussed the options available to Members for deferral or refusal and the subsequent reasons that would be required if agreed.

22. A Member stated that they wished to move a motion for deferral due to the disconnect between paragraph 155 of the report, which stated that works would be carried out at and near the roots of trees that were stated to be retained, and the current drafting of the second paragraph in Condition 5.7, which stated that there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. Furthermore the Member suggested that the author of the third-party report, which was circulated to Members and highlighted their concerns, be invited to further discussions so that their concerns could be heard.
23. Officers said that they felt confident that they could return to the applicant with the matters and concerns raised by the committee and amend the relevant conditions to make them more stringent to the requirements that Members raised. Officers stated that this could include the issue related to the root protection areas and amend the landscaping condition so that any replacement landscaping would be on a one-for-one basis, albeit they would be in different locations, or they may be semi-mature species. Furthermore the officer stated that the matters raised by Members could be conveyed to the applicant and carried forward when the Details Pursuant stage begins.
24. A Member said that they did not feel a deferral was appropriate and agreed with the officers suggestion to amend conditions to cover the concerns raised by the committee. Following this, some Members of the committee stated that their concerns were related to the need for confirmation on the extra capacity for vehicles that the scheme would provide, the conflicts within the report, the concerns around constructability, the pedestrian facilities that would be available, and the need for clarity around the north-west section of the red lined site.
25. Officers said that the applicant had confirmed that the scheme had been designed so that desire lines would be catered to where appropriate or amended within the Road Safety Audit. In regard to constructability, the officer confirmed that this would be actioned post-planning and that it was not related to the planning approval stage. The officer also highlighted that the figures related to capacity were available within the relevant public documentation. Therefore the officer stated that they felt that the reasons noted above would not be appropriate reasons for deferral.
26. Jonathan Hulley moved a motion for deferral, which was seconded by Jeremy Webster, which received 6 votes for, 5 votes against and no abstentions. Following this, the legal representative stated that, due to it being a Regulation 3 application, it could not be a deferral but a referral back to the applicant and, furthermore, if the committee were to refuse then the grounds for refusal would need to be confirmed.
27. A Member asked whether there was an option to ask officers to agree how the conditions should be amended.
28. Officers stated that they had noted the concerns related to the conditions raised by Members and suggested that, if following a decision to permit, officers review and re-write the conditions and then present to the Chairman and Vice-Chairman for final agreement. The Chairman moved a vote for approval, subject to agreement by the Chairman and Vice-Chairman of any amended conditions proposed by officers following the meeting, which received 9 votes for, 1 against and 1 abstention.

**Resolved:**

That, subject to referral to the Secretary of State under paragraph 10 of the Town and Country Planning (Consultation) (England) Direction 2021, and in the absence of any direction by the Secretary of State, to PERMIT subject to amended conditions and informatives agreed by the Chairman and Vice-Chairman and within these minutes, and the remaining unamended conditions and informatives set out within the report and update sheet.

**65/22 DATE OF NEXT MEETING [Item 8]**

The date of the next meeting was noted.

Meeting closed at 12.40 pm

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**Chairman**

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