

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 21 November 2018 in the Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

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

Members Present:
(*present)

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

41/18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Mary Angell.

42/18 MINUTES OF THE LAST MEETING [Item 2]

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

43/18 PETITIONS [Item 3]

There were none.

44/18 PUBLIC QUESTION TIME [Item 4]

There were none.

45/18 MEMBERS' QUESTION TIME [Item 5]

There were none.

46/18 DECLARATIONS OF INTERESTS [Item 6]

Dr Andrew Povey declared a non-pecuniary interest as a trustee of the Surrey Hills Society. Edward Hawkins declared an interest, stating that he was the Surrey County Council representative on the Blackwater Valley Countryside Partnership.

47/18 ALLEGED PUBLIC BRIDLEWAYS BETWEEN LOW LANE (FARNHAM) AND THE MOORS (TONGHAM) [Item 9]

Officers:

Daniel Williams, Countryside Access Officer

Speakers:

Mark Dixon, made representation in objection to the application. The following key points were made:

- Clients he is representing own the field shown hatched in green and marked number one on drawing H93.
- The field was actively cropped during the 1990s.
- Field has been securely fenced and gated since 2009 and remains so today.
- Many of the user evidence forms lodged with the council do assert access to and trespass over client lands.
- Have scrutinised the 20 user evidence forms, evidence should be discredited as land was being actively farmed and had been fenced during periods users say they were using alleged routes.
- Fully support officer professional opinion that no public rights of way or bridleway exists over the land in question.
- If a map modification order is made, clients will still object to alleged routes and will ask matter to be referred to Secretary of State for consideration.

Caroline Amond, the applicant, raised the following key points:

- Supported the application and stated that it was a shame that the county council did not support the application being considered.
- Access to route has changed over the years as obstacles have been encountered.
- Have lived in the village for 30 years and Low Lane for 5 years and have accessed route across the field with horses, horse drawn carriages and by foot.
- Bridleways cross many areas i.e. Thursley Common but it is a shame there is nothing locally for local riders.
- Would support safe off road riding routes as these are desperately needed as the network is being eroded and both horses and riders are in danger of possible fatality.
- Approval of this application would support gap between Christmas Pie route through to Tongham and then to Crooksbury Common.

Key points raised during the discussion:

1. The report was introduced by the Countryside Access Officer who explained that Surrey County Council has a duty under Section 53 of the Wildlife and Countryside Act 1981 (WCA 1981) to modify the Definitive Map and Statement (DMS) if it discovers evidence which can be reasonably alleged to support a modification. An application was received in October 2013 for a Map Modification Order (MMO) to add several public bridleways between Low Lane (Farnham) and The

Moors (Tongham) to the Surrey County Council DMS. Evidence regarding the alleged public bridleways was gathered through a number of sources including public user evidence forms and local consultations. The officer was of the view that that no public bridleway, nor a public right of way of any other kind can reasonably be alleged to subsist over the route(s).

2. The Vice-Chairman stated that he supported public access but agreed with the officer recommendation that there was not enough evidence to support the establishment of a public right of way or bridleway over the land in question. The Vice Chairman further added that he had asked officers to go back out to public consultation but no further information regarding the application was gathered as a result of this.

RESOLVED:

The Planning and Regulatory Committee unanimously agreed that,

- i. No public rights are recognised over any of the routes shown on Drawings Nos. 3/1/18/H93 or H93A and that the application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the DMS by the addition of a public bridleway be **refused**.
- ii. If the Authority is directed by the Secretary of State to make a MMO after it has decided not to do so and objections are made which result in a Public Inquiry being held, the authority adopt a neutral stance.

48/18 SURREY COUNTY COUNCIL PROPOSAL WA/2018/1044- LINDEN FARM, ROSEMARY LANE, ALFOLD, CRANLEIGH, GU6 8EU [Item 7]

Officers:

Alex Sanders, Planning Regulation 3 Team Leader
 Caroline Smith, Planning Development Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Nancy El-Shatoury, Principal Lawyer

Key points raised during the discussion:

1. An update sheet was circulated and tabled at the meeting.
2. The Chairman explained that no public speakers had been registered to speak on this application as per the Councils Standing Orders (67.10).
3. The Planning Regulation 3 Team Leader explained that this application had been considered by the Committee on 17 October 2018 and was referred back to the applicant on grounds that the proposal was contrary to policies D1 and D4 of the Waverley Borough Local Plan 2002 in terms of appearance of the buildings. Officers felt that the applicant had provided justification for the use of dark cladding and a steel roof and agreed that this was not out of character for the local area. The proposal was therefore considered to be acceptable.
4. A Member of the Committee stated that he fully supported the concerns raised by the Committee on 17 October and was aware that the Cabinet Member was minded to make a change on the horticultural element of the application. The Member argued that it would be difficult for the Committee to oppose policies D1 and D4 from

- a planning point of view but it was clear that the way the adult social care department had dealt with this application was unacceptable.
5. A Member of the Committee stated that she had made contact with both Waverley Borough Council and Alfold Parish whose concerns with the application still stood.
 6. It was explained by a Member that there were many buildings with black cladding within his division and it would therefore be difficult for the Committee to justify a refusal when there were so many dark cladded buildings within the Surrey Hills area.
 7. Majority of Members were of the opinion that it was important that the application was permitted and officers get on with building this much needed facility. Many of the concerns raised were outside the remit of the Committee and needed to be addressed by adult social care.
 8. A Member commented that the images contained within the officer report showed tiled roof and no steel roof.
 9. The Chairman moved the recommendation to permit the application. There were seven votes for, two votes against and one abstention; therefore the recommendation was carried and the application permitted.

RESOLVED:

That pursuant to Regulation 3 of the Town and County Planning General Regulations 1992, application number, WA/2018/1044 be **permitted** subject to conditions and informatives listed in the report.

49/18 MINERALS AND WASTE APPLICATION SP18/00304/SCC - SHEPPERTON QUARRY, LITTLETON LANE, SHEPPERTON, SURREY TW17 0NF [Item 8]

Officers:

David Maxwell, Senior Planning Officer
 Caroline Smith, Planning Development Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Nancy El-Shatoury, Principal Lawyer

Key points raised during the discussion:

1. The report was introduced by the Senior Planning Policy Officer who explained that this was a retrospective application for the use and siting of two container units for employee welfare purposes for a temporary period until 30 September 2019. The container units were situated next to the existing two-storey weighbridge office and mess hut in the south-west corner of the aggregates recycling facility (ARF). The two container units are located within Flood Zone 3 which is defined as having a high probability of flooding. The Environment Agency (EA) have objected to the application and the Lead Local Flood Authority (LLFA) have recommended that planning permission is refused as they both consider the submitted Flood Risk Assessment (FRA) to be inadequate. The retrospective application for the ARF was considered by the Planning and Regulatory Committee at their meeting on 17 October 2018 where it was resolved that planning

permission be refused. Therefore there is no longer a need for the two container units and officers recommend refusal.

2. A Member of the Committee commented that the welfare units had been in use for a number of years on the site and could not see the issue with permitting the application as it was providing a welfare facility for employees. The Senior Planning Policy Officer explained that this application went alongside a retrospective application for an ARF which was refused by the Committee on 17 October 2018. As that application was refused, the need for the welfare units no longer exists. A number of objections had also been received.
3. Another Member of the Committee stated that within the report there was lots of reasons stating no significant impacts as a result of this application. The Senior Planning Policy Officer re-stated that the purpose for the units no longer exists and a decision notice was issued on 1 November. Officers are working with the applicant to restore the site.
4. The Planning Development Manager commented that although the application did comply with planning policy in many ways, it importantly did not accord with green belt policy and constituted inappropriate development in the green belt.
5. The Chairman moved the recommendation to refuse the application. There were nine votes for and one vote against; therefore the recommendation was carried and the application refused.

RESOLVED:

That Minerals and Waste application number, SP18/00304/SCC be **refused** for reasons and informatives listed in the report.

50/18 DATE OF NEXT MEETING [Item 10]

The date of the next meeting was noted.

Meeting closed at 11.10am

Chairman

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UPDATE SHEET**SURREY COUNTY COUNCIL PROPOSAL WA/2018/1044****DISTRICT(S)** WAVERLEY BOROUGH COUNCIL**Linden Farm, Rosemary Lane, Alfold, Cranleigh,
GU6 8EU**

Construction of supported living accommodation for adults with autism and high support needs within Use Class C3(b) without compliance with Condition 2 of Planning Permission WA/2016/1793 dated 20/01/2017 to allow modifications to the buildings and landscaping.

ADDITIONAL INFORMATIONLetter from Vail Williams (Agent) dated 6th November 2018**CONSULTATIONS AND PUBLICITY**

One further letter of representation has been received raising a series of comments.

Planning considerations:

- The works have already commenced therefore retrospective
- Recommendation ignores concerns by Waverley Council, Alford Parish Council and no consultation with Historic England
- Appearance of the scheme detrimental to the conservation area and countryside
- Reduction in facilities detrimental to residents, wider village and neighbours
- Increase in traffic flow

Officer note: the above comments were discussed at the committee on the 17th October.

Non-planning matters:

- Cost cutting
- Impact on saleability of new houses

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