

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 25 September 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:**

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

**40/24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from John Robini and Jonathan Hulley.

**41/24 MINUTES OF THE LAST MEETING [Item 2]**

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

**42/24 PETITIONS [Item 3]**

There were none.

**43/24 PUBLIC QUESTION TIME [Item 4]**

There were none.

**44/24 MEMBERS' QUESTION TIME [Item 5]**

Two Member questions were submitted by Cllr Catherine Powell. The questions and responses were published within a supplementary agenda on 24 September 2024.

In regard to her first question, Cllr Powell thanked the Chairman and officers for the response and asked for clarification on which statutory agency was responsible for identifying and mitigating groundwater flood risk, as well as evaluating surface water flood risks, particularly in areas with hills and valleys. Officers explained that surface water flooding would fall under the responsibility of the Lead Local Flood Authority (LLFA), which would act as a

consultee on matters related to surface water, drainage, or the mitigation of surface water flooding issues. Regarding groundwater flooding, officers noted that this would likely fall under the remit of the Environment Agency, the LLFA, and specialist consultees.

In regard to her second question, Cllr Powell acknowledged the comment in the responses about the importance of a system being subject to a robust maintenance regime, as opposed to one that is not maintainable, and requested if this could be discussed offline.

#### **45/24 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

#### **46/24 SURREY COUNTY COUNCIL PROPOSAL RE24/00028/CON - SITE OF FORMER COLEBROOK AND SPECTRUM NOKE DAY CENTRES, NOKE DRIVE, REDHILL, SURREY RH1 1PT [Item 7]**

This item was withdrawn.

#### **47/24 SURREY COUNTY COUNCIL PROPOSAL RU.24/0071 - FORMER BIRCHLANDS CARE HOME, BARLEY MOW ROAD, ENGLEFIELD GREEN, EGHAM, TW20 0NP [Item 8]**

##### **Officers:**

Dawn Horton-Baker, Planning Development Team Manager  
James Lehane, Principal Transport Development Planning Officer

##### **Officer introduction:**

1. The Planning Officer introduced the report and update sheet, providing Members with a brief overview. Members noted that the outline application was for the erection of a part single-storey, part three-storey building (with an additional basement) for extra care accommodation, comprising self-contained apartments, staff and communal facilities, and associated parking, including a new vehicle access from Barley Mow Road. Appearance and landscaping were reserved matters. Full details were outlined within the published report. Officers highlighted an error within the update sheet, which referred to Condition 47 but should have stated Condition 17.

##### **Speakers:**

Carol Bell spoke on behalf of the applicant and made the following points:

1. That the site was one of the programmes for extra care housing projects which the council was delivering to address the critical gaps in provision of affordable housing for older people in need for care and support.
2. That the programme offered a higher level of care than traditional, sheltered housing because it included personal care, meals, other daily living activities but allowed residents to maintain a high level of independence.
3. That the site was specifically selected for this use because it meets key sustainability criteria.

4. That the site was close to the village centre, had good transport links via buses, and could be supported by the local health infrastructure.
5. That the location reduced reliance on cars for both residents and staff and encouraged people using the facility to socialise and exercise locally.
6. That the proposal was designed with sustainability in mind.
7. That vehicle charging would be installed throughout for both cars and mobility scooters.
8. That the development contributed to the council's ambitious targets for delivering 725 new affordable homes by 2030. It also aimed to deliver against the net-zero targets and supported the community vision for Surrey to ensure everyone has the health and social care support and information they need, at the right time, and that everyone has a place they can call home with appropriate housing for all.

Members noted that the drainage ditch immediately outside would be maintained. Officers added that details related to access, including drainage, were due to be submitted subject to a full technical approvals process.

In relation to the elevations and external treatment, the Chairman suggested that it would be beneficial to be informed about the materials proposed for use. Officers clarified that, given the site's proximity to the conservation area, planning officers would consult with the council's heritage team to ensure the materials selected were suitable and in keeping with the surrounding area. The speaker added that they were fully aware of the Runnymede design code and the proximity of the heritage area,

The Local Member, Cllr Marisa Health, was registered to speak but was unable to attend due to an emergency.

#### **Key points raised during the discussion:**

1. A Member stated that the situation on the site was positive and that he did not consider it to be controversial.
2. A Member proposed that the committee take responsibility for the reserved matters which was agreed.
3. A Member noted that the local school required access through the site to maintain its playing field and inquired whether it would be appropriate to include a condition to facilitate this. Officers confirmed that it would be possible to add such a condition but recommended that the final wording be approved by the Chairman and Vice-Chairman outside the meeting.
4. A Member agreed that the reserved matters should be considered by the committee and emphasised the importance of ensuring that the highways and drainage matters on site were appropriately addressed and compatible.
5. A Member expressed concerns raised by local residents regarding the potential loss of privacy, particularly on St Jude's Road, and asked officers for clarification on this matter. Officers explained that there was significant existing tree screening, some of which was located in neighbouring gardens, and that the council would seek to ensure the retention of all trees along the boundary. Additionally, an informative had been included to recommend that consideration be given to the placement of windows and balconies during the reserved matters stage.

6. Members were presented with photographs and plans of the site as included within the published agenda.
7. Members noted that, following discussion at the meeting, the resolution would be amended to state that the reserved matters application should be brought back to the committee for review. Additionally, a condition would be included to ensure that access for the school is maintained. The final wording of the condition would be approved by the Chairman and Vice-Chairman outside the meeting.
8. The Chairman moved the amended recommendation which received unanimous support.

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

None.

**Resolved:**

Pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992, the Committee resolves to grant outline planning permission for application ref: RU.24/0071, subject to the planning conditions outlined in the report and update sheet, with the following amendments:

The reserved matters application shall be brought back to the committee for further review.

An additional condition shall be included to ensure that access for the local school to maintain its playing field is preserved. The final wording of this condition shall be approved by the Chairman and Vice-Chairman outside the meeting.

**48/24 MINERALS/WASTE APPLICATION RE18/02667/CON - REPORT ON OUTCOME OF THE CONSIDERATION OF THIS MATTER BY THE SUPREME COURT (HORSE HILL WELL SITE, HORSE HILL, HOOKWOOD, HORLEY, SURREY RH6 0HN) [Item 9]**

**Officers:**

Caroline Smith, Planning Group Manager

**Key points raised during the discussion:**

1. The officer introduced the item and provided a brief summary. Members noted that, on 11 September 2019, the Planning and Regulatory Committee approved a planning application for the retention and extension of the Horse Hill well site to allow drilling, hydrocarbon production, and related infrastructure. Following this, a judicial review was initiated by a Surrey resident, challenging the County Council's decision not to consider downstream carbon emissions from the oil produced. Both the High Court and Court of Appeal upheld the Council's actions as lawful. However, the officer explained that in June 2024, the Supreme Court ruled, by a majority of three to two, that the Council acted unlawfully by not accounting for the indirect emissions from burning the oil. The officer then provided details of the Supreme Court's decision and its implications for the Council. Full details were outlined within the published report and update sheet.

2. A Member expressed that he believed the Council had acted in a satisfactory and straightforward manner in accordance with the law and voiced concerns about the outcome of the Supreme Court ruling.
3. Officers clarified that the ruling applied solely to the environmental impact assessment. They further explained that, in response to the National Planning Policy Framework consultation, officers had requested additional guidance from the Government, as there remained uncertainty on how to proceed.
4. Members emphasised the need to schedule a development session for further discussion once additional information and guidance become available, to ensure a clear understanding of the implications of the Supreme Court ruling

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

None.

**Resolved:**

The Committee noted the outcome of the claim for judicial review and that the planning permission granted in September 2019 has now been quashed. The application will return to Planning and Regulatory Committee for determination in due course.

**49/24 DATE OF NEXT MEETING [Item 10]**

The date of the next meeting was noted.

Meeting closed at 11.30 am

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**Chairman**

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