

PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

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|----------------------------------|-----------------------------|
| Councillor Jon Askew | Councillor Liz Hogger |
| * Councillor Christopher Barrass | * Councillor Marsha Moseley |
| * Councillor David Bilbé | * Councillor Ramsey Nagaty |
| * Councillor Chris Blow | * Councillor Maddy Redpath |
| * Councillor Ruth Brothwell | * Councillor Pauline Searle |
| Councillor Angela Goodwin | * Councillor Paul Spooner |
| * Councillor Angela Gunning | |

*Present

Councillors Keith Witham and Catherine Young, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Jon Askew, Angela Goodwin and Liz Hogger. Councillor George Potter attended as a substitute for Councillor Liz Hogger. No substitute members attended for Councillors Askew or Goodwin.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No interests were declared.

PL3 MINUTES

The minutes of the Planning Committee held on 13 July 2022 were approved and signed by the Chairman.

PL4 ANNOUNCEMENTS

The Committee noted the procedure for determining planning applications.

PL5 21/P/01337 - ST GERMAIN, THE WARREN, EAST HORSLEY, LEATHERHEAD, KT24 5RH

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Michael Parker (to object) and;
- Mr James Deverill (in support)

The Committee considered the above-mentioned full application for erection of a single dwelling and detached garage on the land to the rear of St.Germain. The Committee received a presentation from the Planning Officer, James Overall and noted that the site was located off the Warren on a private road

within the identified settlement boundary of East Horsley as well as the Green Belt. The proposal was for the erection of a 5-bed house within the existing residential curtilage of the current property known as St. Germain. The proposed development was set back from the main frontage of The Warren which would result in very limited views into the site. The proposal was comprised of a contemporary eco house design which would differ from the predominant Surrey vernacular architectural style of the surrounding area. However, given the siting and the landscape, the proposal was not considered to have a detrimental impact upon the character of the area. In addition, the East Horsley Neighbourhood Plan outlined examples of more modern developments within East Horsley which added interest to the built form of the area. There was also a significant amount of boundary screening surrounding the plot.

It was the planning officer's conclusion that the application be recommended for approval. As the proposal fell under one of the Green Belt exceptions noted within the NPPF, it was considered that the scheme would not result in detrimental harm to the character of the area or the amenities of neighbouring dwellings nor those of future occupiers of the proposed dwelling. The proposal lastly would not result in significant impacts upon Highways and had been designed to achieve a high degree of sustainability.

The Chairman permitted Councillor Catherine Young to speak in her capacity as ward councillor for three minutes. The Committee noted the following concerns raised that the proposal was inappropriate development in the Green Belt. No special circumstances had been provided to justify the harm that would be caused to the openness of the Green Belt, by building a large 5-bedroom house in the back garden of St. Germain, especially when adding in the proposed 65 metres of tarmac road that would be laid through the garden for access. Neither was it limited infilling, it was not a small gap between other properties and it was not surrounded by built development. It had been mentioned that there was no backland development in The Warren and the reference to Chantry Cottage was misleading as it pre-dated the development by some 100 years. Therefore the proposal did not meet the requirements of Policy P2 points 1 and 2. The proposal would have an adverse impact on the character of the Warren and was out of keeping with the distinct settlement pattern. It did not reflect the local character of single houses with long spacious back gardens. This would be the largest house in the Warren and by placing it in half of the garden of St. Germain, it would then be the smallest plot. Therefore, the proposal did not meet the requirements of Policy D1, point 1 and 4 or the East Horsley Neighbourhood Plan policy EH8 point C which stated that the size and massing of new homes should be no greater than the surrounding dwellings. Additionally, this was not an Eco House and the term was misleading in this context. The proposal did not even meet building regulations introduced this year which required a 31% reduction in carbon emissions. A badger sett had also been observed 3.5 metres from the boundary who had moved following an internal clearing of the garden at St. Germain. Badgers were protected under the Protection of Badgers Act 1992 and was an offence to interfere with the sett and was a material consideration given that Policy ID4 required the preservation and enhancement of biodiversity. Given we now had a housing supply of 7.34 years, there were substantial reasons for refusing the application.

In relation to comments made by public speakers and the ward councillor the Planning Officer, James Overall confirmed regarding the badger sett, the applicant had conducted ecological surveys which had been submitted alongside the application and had been taken into consideration. The survey showed that there were no ecological issues onsite. Condition 10 ensured that Phase 1 of the Habitat and Protected Species Survey was carried out in accordance with the development. In the planning officers view, the development also represented limited infilling as it was located within the settlement boundary of East Horsley. Other plots as far back as Chantry Cottage was located in a similar position and was considered limited infilling and was therefore an exception to Paragraph 149 of the NPPF and represented no in principle objection to development in the Green Belt. No very special circumstances existed due to the fact that the proposal met one of the exceptions in Paragraph 149. The surrounding properties consisted of many different sizes and shapes of residential curtilages, some of which were fairly large houses in spacious plots. It was accepted that the proposed dwelling would be towards the

smaller end of the scale in terms of the plot size. The phrase used in the report alluding to 'spare land' was just terminology and was not the same as limited infilling. The plot of land was located inside of the identified settlement boundary. With regard to comments made that it was not an eco-house, condition 6 ensured that carbon emissions were in accordance with local planning policies.

The Committee discussed the application, and noted comments made that the proposal represented a classic example of garden grabbing. The definition of limited infilling was not properly defined in the officer's report. However, it was clear in the Local Plan where it stated that limited infilling of small gaps within built development should be appropriate to the locality and not have an adverse effect on the character of the countryside or local environment. The site was in fact surrounded by large gardens rather than a built environment and therefore did not constitute developed land. The development was also considered to be out of character. The Local Plan required that new developments achieved high quality design and responded to the distinctive local character including landscape which this proposal had not met. The scheme was for a huge house in a small plot that was totally out of keeping with the rest of the properties in Warren Road, both in style and the materials proposed to be used. There was also only a couple of metres gap between the dwelling and the next door neighbour's house which was filled with a hedge. The Planning Committee also noted final comments that the scheme did not comply with Green Belt policies given it was a new building and not a replacement one. The Committee noted further agreement that the scheme did not comply with Green Belt policies.

The Committee also considered comments that the scheme did represent limited infilling and that the application should not be refused.

The Committee noted comments that the principle of limited infilling in this application appeared clear cut. However, a specific query was raised in relation to Policy EH87 of the East Horsley Neighbourhood Plan which related specifically to designs being in keeping with the established character of East Horsley. The descriptive text around it did mention that some modern designs could enrich the character of the village. The exterior of the property would be clad in white and grey plastic and was this therefore necessary to blend in with the overall character of surrounding dwellings.

In addition, the location of a badger sett within 30 metres of the property would appear to be a material planning consideration. Clarification was sought of what evidence planning officers have seen in relation to that and if it was something that had come to light recently. Also, the Committee was interested to know where the badgers lived as they travelled over a fairly large range to forage.

The planning officer, James Overall responded to the comment that there was no definition of infilling and that a small gap within a built environment did not apply in this instance given the proposal was in fact surrounded by gardens not buildings. It was confirmed that there was not a definition as to what built development was. The proposal was located within the identified settlement boundary and was surrounded by properties in every direction. It did not matter whether it was gardens, buildings or just residential curtilages but does lie in the middle of the development and therefore fitted within the grounds for exception of Paragraph 149 of the NPPF and could be considered as limited infilling within the Green Belt. The planning officer also concluded that the proposal was not out of character given it would also be well screened by the boundary vegetation. Warren Road was also comprised of both large and smaller properties, and modern properties such as that proposed did already exist in East Horsley. Regarding the badger sett, a Habitat and Protected Species Survey had been submitted and it was concluded that there were no records of badger setts within 30 metres of the site boundary. The applicant had therefore carried out the necessary surveys and no badgers were found. The fact that photos had been circulated to the Committee of badgers did not confirm as a matter of fact that they lived close-by given they roamed large distances.

The Committee considered comments made that ecological surveys should only be prepared at the beginning of the design of a development. It was noted that the survey had been conducted 2 years

ago and was therefore almost out of date as well as the fact that the surveyors may have been looking for badgers at the wrong time of year when they hibernated. The scheme was also considered to create a loss of habitat and lack of biodiversity and clarification was sought on what trees and hedges would remain. The scheme was also considered to be out of character and a backland development. In addition, there were no special circumstances to allow the construction of a 5-bed dwelling and did not correspond to the East Horsley Neighbourhood Plan.

The Team Leader, Gemma Fitzpatrick clarified that for the purposes of the application, a professional ecological survey was carried out and was still in date. Its findings were therefore reasonable to consider. No badger setts were found or evidence of badgers. That was not to say that circumstances could not have changed but the survey carried out was from a professional ecologist and we therefore have to accept its findings. Badgers were a protected species and covered by legislation, so if in the future a badger sett was found there were other safeguards in place that would protect them. Anybody developing the site would have to be bound by that legislation.

In response to concerns raised that there was no net gain in biodiversity, condition 3 ensured that a scheme of ecological enhancements would be submitted as per the NPPF. Every development needed to provide a net gain of biodiversity so the fact there might be some tree loss, the development as a whole would provide a net gain of biodiversity which involved the planting of trees and putting up bird and bat boxes. This would equate to more biodiversity onsite than prior to the development. It was also confirmed that there was nothing in the Neighbourhood Plan which specifically precluded the development of a 5-bedroom house.

A motion was moved and seconded to approve the application which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|----------|----------|----------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Paul Spooner | X | | |
| 2 | Colin Cross | | X | |
| 3 | Chis Blow | X | | |
| 4 | Angela Gunning | X | | |
| 5 | Chris Barrass | | X | |
| 6 | David Bilbe | X | | |
| 7 | Marsha Moseley | X | | |
| 8 | George Potter | X | | |
| 9 | Maddy Redpath | X | | |
| 10 | Ruth Brothwell | | X | |
| 11 | Ramsey Nagaty | | X | |
| 12 | Pauline Searle | X | | |
| 13 | Fiona White | | | X |
| | TOTALS | 8 | 4 | 1 |

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 21/P/01337 subject to the conditions and reasons as detailed in the report.

PL6 22/P/00687 - LANCASTER VOLVO GARAGE, GUILDFORD, PIRBRIGHT, WOKING GU24 0LW

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Councillor Mark Watson (Pirbright Parish Council) (to object);
- Mr Dermot Main (to object) and;
- Mr Charles Slaughter (MD of Squire Furneaux (in support))

The Committee considered the above-mentioned full application for erection of workshop / MOT facility and new valet following demolition of existing workshop / MOT facility and valet structures. Refurbishment of existing showroom, new façade and associated external works.

The Committee received a presentation from the Planning Officer, Kieran Cuthbert. The Committee noted that the garage was located on the southern side of the Pirbright Village area, the north side was within the Conservation Area, and the garage itself was just outside but within the Green Belt. The main changes proposed to the floor plans included a slight increase in depth and a slight decrease in width. The square area of footprint had altered from 1205m² to 1210m², which equated to an overall increase of roughly 0.4%. The main change to be made was to the parapet roof which was fairly modest in terms of its depth. The bulk of the building behind the parapet was unaltered on the north side and reduced in scale. In 2018 an application for a similar and larger parapet was approved. It was argued that the parapet would create a more cohesive roof shape than the existing multiple pitches. The proposed valet building at the rear of the site was larger than the existing valet building with a 79% increase in floor area. However, a number of outbuildings will be replaced which will give the rear of the site a less cluttered appearance. The proposed valet building will run along the main building as opposed to the current buildings which are set further back. The works were considered to be redevelopment of previously developed land which was one of the exceptions to allow for development within the Green Belt.

One of the main concerns raised regarding this application was for the parking onsite. It was important to note that both access points would be retained, with far more space on the northern side. There was no great increase in scale to the site and there was no indication that the proposal would increase the amount of business onsite. Employee parking would also be increased from 75 to 91 spaces which equated to a 21% increase. At the site visit, concerns had been raised regarding the loss of one of an outbuilding which provided screening to a neighbouring property. The applicant had subsequently confirmed that a 2.5 metre fence would be erected to provide adequate screening.

The existing access and exit points onsite would not be altered and the works proposed would result in a net increase in parking onsite. Both customer and staff car park spaces would be accessible when deliveries were taking place. There was also ample room for delivery vehicles onsite. Given the 0.4% increase in scale of the proposed building, the siting of the proposed valet building to the side, as well as the modest changes to the front of the building, the proposed changes overall were considered to be acceptable. Parking issues in the local area was an existing concern and was not one that was related to the proposed works. Given the proposed parking plan would offset any increased need for parking, planning officers were satisfied that no new parking issues would arise from the proposed developments. As per NPPF paragraph 81, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal was therefore recommended for approval subject to conditions.

The Chairman commented that Planning Committee had attended a site visit the day previously.

The Chairman permitted Councillor Keith Witham to speak for three minutes in his capacity as ward councillor as well as the Surrey County Councillor representing Pirbright for over ten years.

The Committee noted concerns raised that the Volvo Garage had been a source of regular and ongoing concerns and complaints from residents regarding inconsiderate and obstructive parking, particularly caused by the loading and unloading of vehicle trailers. The application sought to redesign the premises through enabling an expansion or intensification of its business activities. However, the space allocated to vehicle trailers was insufficient and the conditions suggested by officers were not enforceable. The comments from Surrey County Council's Transport Development Team was from their perspective a relatively minor application, but it was not a minor application for the residents who would be affected on a daily basis, many of whom would like the application rejected. Pirbright Parish Council had very reasonably asked for some extra wording on two conditions to be added, if the Committee were minded to give consent. Pirbright Parish Council would prefer a short deferral, if possible, to enable their concerns and extra conditions to be discussed with officers, Surrey County Council and the applicant. However, if the Committee wished to deal with the application tonight, it had suggested two extra specific extended conditions, condition 3 with the extra words that 'all staff parking shall be specifically identified and retained in perpetuity for such use' and 'no additional stock or other vehicles would be stored onsite other than in the marked bays shown on the approved plans. No stock shall be parked outside of the site within the local area'. In addition to condition 4 'maintained free from obstruction for their designated purposes and all servicing and unloading/loading shall be undertaken within the site'. The suggested additional wording was justified by Section 9 of promoting sustainable transport of the National Planning Policy Framework 2021. These issues should not prove to be a problem to the business, the Committee was asked to discuss and add to any consent. It would help future enforcement officers when looking at what had been granted as without tougher conditions the problems would continue to get worse.

The Chairman, Councillor Fiona White reminded the Committee that it could only consider the application before it and could not solve an existing parking problem. In response to comments made by the public speakers and ward councillor, the planning officer, Kieran Cuthbert confirmed that issues in relation to biodiversity had been addressed by condition. The scale of the site was considered to be acceptable given the proposal would increase the footprint by 0.4% only. The level of staff parking provision was indicated and was also considered appropriate. Planning officers had also assessed the impact on the Conservation Area and the Listed Buildings were considered far enough away that the proposal would not impact them. A very similar application was approved in 2018 and the only visible change was the proposed roofscape which would be a lot more coherent rather than multiple pitched roofs. With regard to the proposals impact upon the Green Belt, the site would pertain to be a redevelopment of previously developed land and only represented a 0.4% increase in footprint. The proposal was therefore quantifiable as redevelopment as it would not exceed the site area or the currently developed parts of the site. Much of the roof had also been reduced in height as was shown in the elevations and therefore mitigated against any harm caused by the parapet roof. A Flood Risk Assessment had been submitted with the application and no flood concerns were identified and had been included in the conditions along with the Fire Risk Assessment.

The Committee discussed the application and wanted to receive confirmation that it would be conditioned to ensure that the applicant provided the 2.5 metre fence proposed between a resident's property and the site. Clarification was also sought on how drainage would be managed, in light of comments made that a ditch had been filled in. It was noted that condition 9 addressed biodiversity and Green Belt issues were negligible given the small increase in footprint on previously developed land. The wording of condition 4 in relation to the loading and unloading of vehicles within the site should be looked at and made clearer.

The Committee also noted further comments that the principle of re-development of the site was well established. Concerns were though expressed regarding conditions applied in relation to biodiversity

given that there had not been any kind of ecological assessment of biodiversity net gain included in the application. Notwithstanding that the principle of redevelopment was acceptable, clarification was sought as to whether the application could be deferred as requested by the Parish Council. The installation of the 2.5 metre fence was again referred to and the requirement for it to be mandated by condition. Stronger wording was also suggested around the enforceability of biodiversity net gain. Also, whether time limitations on hours of construction could be applied so that works only took place during socially acceptable hours. Support was also expressed for the conditions requested by the Parish Council in relation to ensuring that the staff parking facilities were maintained in perpetuity as well as in relation to the loading and unloading of vehicles to be undertaken onsite and in forward gear.

The Committee noted comments that there was no reason to defer or refuse the application. The County Highways Authority did not object to the scheme subject to the submitted parking and traffic plan. Empathy was expressed for local residents who did not want a Volvo Garage in the village, but this was not something that could be considered in planning terms. The scheme was modest and represented an improvement upon what was already in existence and support was expressed for the Volvo business in improving their site subject to the strict wording of conditions.

The Committee noted further comments in favour of the site being updated. Concern was expressed regarding the traffic management plan proposed and whether lorries unloading vehicles would end up doing so on the main road causing a safety issue which would necessitate the employment of enforcement officers. The Committee noted surprise that neither the local residents nor Parish Council had been formally consulted about the scheme by the Volvo Garage so that practical solutions could be found to concerns raised. Concern was noted about the biodiversity net gain and why planning officers had not insisted upon this being more clearly defined. Concern about flood risk was also raised given that the ditch had been filled and the requirement for the installation of the 2.5 metre fence to screen a resident's property had to be clearly stipulated to be fulfilled by the applicant. The level of light would also be affected by the installation of the higher roof and solid.

The Committee noted further sympathy for the local residents regarding the Volvo Garage which was a commercial enterprise in the Green Belt. Support was expressed for the proposal to have high fencing installed where the current service points were being demolished at the back. Concern was noted regarding the delivery of vehicles on huge lorries with a large number of cars on the back of them who could potentially offload and load vehicles on the roadside. It was anticipated that the proposed space for this activity would not be large enough even with the removal of the 5 cars designated on the plan. Legal advice was sought as to what the Committee could do to ensure that the conditions were strengthened to ensure that all activity regarding the offloading and loading of vehicles took place onsite. No purpose was perceived for the proposed parapet. Whilst a similar application was approved in 2018, the Committee should be mindful of the conditions suggested by the Parish Council.

The Team Leader, Gemma Fitzpatrick responded to comments made so far by the Committee. In relation to biodiversity net gain, it was not unusual to require this by condition. Planning officers were satisfied that the ability to provide a biodiversity net gain was achievable and the condition was asking for those details for subsequent approval. Construction time limits in relation to surrounding residential property was addressed by condition 6 which required a Construction Transport Management Plan and would provide control over those issues. In relation to the suggested amendments to conditions 3 and 4 which had been suggested by Pirbright Parish Council, planning officers did not have a problem with the additional wording regarding 'all staff parking spaces shall be specifically identified and maintained in perpetuity for such use'. However, planning officers did have an issue with the following sentence that 'no additional stock or other vehicles shall be stored on the site other than in the marked bays shown on the approved plans'. Conditions were required to be precise, and no additional stock was not quantifiable. The sentence continued to state that 'no stock shall be parked outside of the site within the local area'. This did not meet the tests of a condition as planning officers could not condition activities taking place outside of the sites red line. As far as the

amendment to condition 3, it was considered not unreasonable to add that all staff parking was to be identified and retained, but planning officers strongly advised against the additional sentence. In relation to condition 4, the Highway Authority had assessed the application in terms of highway safety, therefore if members were minded to recommend the additional wording that officers and the Chairman consulted with the Highway Authority regarding their recommended condition.

The Legal Advisor, Delwyn Jones confirmed that conditions were drafted with the law and the six tests in mind, so the Highway Authority who proffered them included the requirements of precision, enforceability and reasonableness. The Highway Authority may therefore consider that the conditions cannot be improved as they are legally compliant and enforceable already. When enforcing conditions and highway safety, there's also a range of legal powers available such as enforcement notices, stop notices, breach of conditions notices which carry a combination of fines and court action. If the breach was especially serious, there was the possibility of an injunction which carried a fine and the possibility of a prison sentence. It was accepted that this was theoretical and was dependent upon the facts, circumstances and evidence. However, if as it was claimed that we are powerless to enforce conditions, there were still options capable of implementation and dependent upon circumstances. In relation to non-planning enforcement powers these were possessed by the Local County Highway Authority. Civil remedies may also be available in relation to dangerous situations on the Highway which give rise to civil action.

The planning officer, Kieran Cuthbert confirmed that with regard to the installation of the 2.5 metre fence, it had been included on the plans which were conditioned to be implemented. With regard to concerns about the loss of light caused by the parapets, the loss of light would only affect the road and planning officers had found that there would be no impact upon neighbouring properties. The elevations of the parapet were considered by planning officers to be of a modest depth and would not increase the massing to a significant level and had been previously approved as part of the 2018 application. The filling in of the drainage ditch could not be controlled by planning condition as it fell outside of the site.

Further clarification was sought by the Committee to confirm if Surrey County Council were made aware of the ditch being filled in as they were responsible for drainage issues. The Team Leader, Gemma Fitzpatrick confirmed that it did not meet the threshold for the Local Lead Flood Authority to be involved.

The Committee again requested assurance that a condition could be applied to ensure that deliveries were made off road. The Team Leader, Gemma Fitzpatrick confirmed that the additional wording for condition 4, as suggested by Pirbright Parish Council would need to be consulted with the Highway Authority as it was an amendment to their condition.

The Chairman confirmed that she would like to be clear on members' views on the conditions. Suggestions had been put forward by Pirbright Parish Council about amendments. Planning Officers had also stated that in relation to condition 3 they didn't have any difficulty with the first sentence of the Parish Council's proposed amendment, but they were not comfortable with the other two. If a vehicle was legally on the highway there was nothing the Planning Committee could do to stop those vehicles from being legally on the highway. With condition 4 there was some suggested additional wording from the Parish Council. As these are conditions imposed by Surrey County Council as the Highway Authority, therefore we should consult on them with myself as Committee Chairman and the local Ward Member Councillor.

The Committee requested clarification on the second proposed additional sentence, the concern was around precision of no additional stock or other vehicles and that was considered to be too vague and not sufficiently precise. Would amending it to 'no vehicles would be stored onsite other than in marked bays' be sufficiently precise? The Team Leader, Gemma Fitzpatrick confirmed that it was easy to

identify what was meant by that, however it was important to know what the purpose and reason was for the condition? The Committee noted that it was in order to ensure it was maintaining the Parking Management Statement and the Parking Plan, as if they have allocated spaces for these vehicles then it would not seem unreasonable to request that those spaces were used for those vehicles and should not be stored outside of those spaces.

The Team Leader, Gemma Fitzpatrick noted that she was still confused at what the purpose was of the condition. If the Committee was saying no vehicle was to be stored onsite other than in marked bays shown on the approved plan, then that was easy to identify and suitably precise. However, given the concern that there was overspill parking, and the garage was using the local highway for parking, it was unclear why the Committee would want to potentially reduce the amount of parking onsite.

The Chairman confirmed that with regard to the amendment to condition 3, the addition of the first sentence from Pirbright Parish Council would be subject to further discussion with Surrey County Council as the Highway Authority, the Chairman of the Planning Committee and the Local Ward Councillor. The proposed amendment would read that 'all staff parking spaces shall be specifically identified and retained in perpetuity for such use.' The Chairman asked for a show of hands which was agreed by the Committee.

The Chairman confirmed that with regard to the proposed amendment to condition 4 by Pirbright Parish Council, was subject to further discussion with Surrey County Council as the Highway Authority, the Chairman of the Planning Committee and the Local Ward Councillor, to add in the words 'Free from obstruction for their designated purposes and all servicing and unloading/loading activity shall be undertaken within the site.' The Chairman asked for a show of hands which was agreed by the Committee.

A motion was moved and seconded to approve application 22/P/00687 which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|-----------|---------|---------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Ramsey Nagaty | X | | |
| 2 | Colin Cross | X | | |
| 3 | Paul Spooner | X | | |
| 4 | David Bilbe | X | | |
| 5 | Fiona White | X | | |
| 6 | Angela Gunning | X | | |
| 7 | Ruth Brothwell | X | | |
| 8 | Chris Barrass | X | | |
| 9 | George Potter | X | | |
| 10 | Marsha Moseley | X | | |
| 11 | Chris Blow | X | | |
| 12 | Maddy Redpath | X | | |
| 13 | Pauline Searle | X | | |
| | TOTALS | 13 | | |

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 22/P/00687 for the reasons as outlined in the report and subject to the discussions as outlined above in relation to the proposed amendments to conditions 3 and 4.

PL7 22/P/00825 - SPRINGWELL, PINCOTT LANE, WEST HORSLEY, LEATHERHEAD, KT24 6JH

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr John F W Smith (to object);
- Ms Sarita Schmid (Applicant) (in support)

The Committee considered the above-mentioned full application for single storey detached garage with store (retrospective application to regularise planning permission 20/P/00449, approved on 22/04/2020).

The Committee received a presentation from the planning officer, Kieran Cuthbert. The application site was located within the West Horsley Conservation Area, it was located north of Box Cottage and to the east ran along The Street. The site was also within an area of high archaeological potential. The area was characterised by two-storey residential development of individual design. Grade II listed buildings were located nearby Pincott Farm House and an adjacent barn. The proposed garage was in the north-east corner of the site and had already been constructed. However, the garage had not been built in accordance with the approved scheme 20/P/00449. During the construction phase of the development the garage was also found to have been built beyond the site boundary. The proposal therefore sought to rectify this error made during the construction phase. The approved garage would have a reduced width of 0.16m and a reduced depth of 0.97m in comparison to the garage which was approved under extant permission 22/P/00825. A gap of 0.3m would be retained to the side boundary. The elevations of the garage as approved were very similar in terms of their scale and design. The proposed development would be acceptable in principle, would have no material harm to the designated heritage assets and would have no materially harmful impacts on neighbouring properties, no adverse impacts on highways or parking considerations. The proposal was therefore considered acceptable and was recommended for approval subject to conditions.

The Team Leader, Gemma Fitzpatrick confirmed in relation to comments made by public speakers that it had been stated that the original application had been signed off by the Interim Head of Place, Dan Ledger. This was the appropriate mechanism when a decision was delegated to officers and therefore would not automatically come before the Planning Committee. The Party Wall Act had also been referred to, which sat independently alongside the Planning Act. There were numerous other legal requirements that developers had to ensure that they met. The Party Wall Act was not something which the Planning Committee could consider as it was separate legislation. It was the Committee's duty to consider and determine the application within the Planning Act. The principle of the garage's location had already been agreed with the grant of planning permission. The current application sought to make alterations to that including slight changes to the size and depth and minor alterations to the materials used. In addition, the Planning Officer, Kieran Cuthbert confirmed that the West Horsley Neighbourhood Policy did not specify that the location of a garage must be subservient.

The Committee discussed the application and noted that given the small size of the proposed structure the proposal should be approved. It was also queried why the application had come before Committee given it had only received 10 or more letters/emails of objection.

The Committee also noted comments made that the principle of development had been established. However, clarification was sought regarding the boundary dispute to confirm that planning officers were certain that it was 0.3m distance from the boundary of the nearest property. The materials used were originally oak and now pine had been recommended. What impact would the change of use of materials have on the Conservation Area?

Further clarification was sought regarding the boundary dispute as to whether a note could be put on the decision notice to stipulate that planning officers recommend a party wall agreement was reached.

The Legal Advisor, Delwyn Jones confirmed that the difficulty in relation to the Party Wall Act was that the full facts were not known and therefore the advice could not be given. The Party Wall Act was also not relevant to the consideration of this application as it was a boundary dispute, that fell outside of the Planning Act, and therefore planning officers were not able to pursue this line of action.

The Planning Officer, Kieran Cuthbert confirmed that this was a householder application for which the trigger for consideration by the Planning Committee was 10 or more letters of objection. It was confirmed that in relation to the boundary, the garage was 0.3m from the new boundary line than the previous one. The materials to be used were also assessed and found to be acceptable in terms of their appearance.

A motion was moved and seconded to approve the application which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|-----------|----------|----------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Maddy Redpath | X | | |
| 2 | Fiona White | X | | |
| 3 | David Bilbe | X | | |
| 4 | Chris Barrass | X | | |
| 5 | Angela Gunning | X | | |
| 6 | Paul Spooner | X | | |
| 7 | Marsha Moseley | X | | |
| 8 | Ramsey Nagaty | X | | |
| 9 | Ruth Brothwell | X | | |
| 10 | George Potter | | X | |
| 11 | Pauline Searle | X | | |
| 12 | Colin Cross | X | | |
| 13 | Chris Blow | X | | |
| | TOTALS | 12 | 1 | 0 |

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 22/P/00825 subject to the conditions and reasons as detailed in the report.

PL8 PLANNING APPEAL DECISIONS

The Committee noted and discussed the appeal decisions.

The meeting finished at 9.20 pm

Signed

Date

Chairman