

TANDRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 7 October 2021 at 7.00pm.

PRESENT: Councillors Blackwell (Chair), C.White (Vice-Chair), Connolly, Duck, Farr, Gray, Lockwood, Mansfield, Moore, Morrow, Prew, Ridge and Mills (Substitute) (In place of Shiner)

ALSO PRESENT: Councillors Allen, Cooper, Dennis, Gillman, Groves and Jones

APOLOGIES FOR ABSENCE: Councillor Shiner

150. DECLARATIONS OF INTEREST

Councillor Connolly, as the chairman of the Soper Hall charity, declared an interest in agenda item 5.2 as the applicant was a tenant of the Soper Hall. Councillor Connolly had sought advice from the Monitoring Officer in advance of the meeting and would therefore take part in the debate.

Councillor Copper, in his capacity as a director at the Soper Hall, declared an interest in agenda item 5.2, although he noted that he was not a member of the Committee.

Councillor Morrow, as a member of the Warlingham Parish Council, declared an interest in agenda item 5.6. Warlingham Parish Council had expressed an opinion in respect of the application. Councillor Morrow confirmed he took no part in the forming of the opinion and would view the application independently.

Councillor Prew, as a member of the Warlingham Parish Council, declared an interest in agenda item 5.6. Councillor Prew confirmed he would listen to the debate and vote on the matter accordingly.

Councillor Mansfield, as a member of Caterham on the Hill Parish Council, declared an interest in respect of agenda item 5.1. Caterham on the Hill Parish Council had voiced an opinion in respect of the application. Councillor Mansfield confirmed that she was not a member of the Parish Planning Committee and took no part in forming the opinion.

151. MINUTES FROM THE MEETING HELD ON 20 SEPTEMBER 2021

The minutes of the meeting were confirmed and signed by the Chair.

Committee Decisions (Under Powers delegated to the Committee)

152. 2020/2041 - DE STAFFORD SCHOOL, BURNTWOOD LANE, CATERHAM

The Committee considered an application for the demolition of an existing bungalow and the subsequent erection of 7 dwellings, located on land South-West of de Stafford School, to facilitate a new external artificial grass pitch, associated car parking fencing and lighting for the school and local community.

The Officer recommendation was to refuse.

Councillor Jeremy Webster of Caterham on the Hill Parish Council and Chair of the Neighbourhood Plan Steering Group, spoke against the application.

Mr Jeremy Garner, the Executive Headteacher at de Stafford school, spoke in favour of the application.

A motion was proposed by Councillor Morrow, which was seconded by Councillor Lockwood, that further reasons for refusal be added in respect of the proposed hours of use of floodlights and the loss of important trees or groups of trees.

After a short recess the wording of the additional reasons for refusal was confirmed as:

1. *The proposed hours of use of the flood lighting associated with the artificial grass pitch would result in significant harm to the residential amenities of nearby properties by virtue of light pollution and general noise and disturbance contrary to Policy CSP 18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP22 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014) and the National Planning Policy Framework 2021.*
2. *The proposed development would result in the loss of important trees or groups of trees of which such loss has not been justified, in addition, insufficient mitigation details have been provided to justify any such loss contrary to Policy CSP 18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP22 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014) and the National Planning Policy Framework 2021.*

Upon being put the vote, the motion was carried.

RESOLVED – that planning permission be refused.

153. 2021/522 - LAND TO THE SOUTH OF THE CRESCENT, BRADENHURST CLOSE, CATERHAM, CR3 6FG

The Committee considered an application for the erection of a part 3-storey, part 4-storey building comprising of 5 apartments on the site of plots 18/19 Bradenhurst Close (as previously consented under TA/2017/2351) with associated access, parking, cycle storage and amenity space.

The Officer recommendation was to permit subject to conditions.

A recording of the representations of Ms Caroline Hollins, an objector, was replayed to the Committee.

Councillor Jeremy Webster of Caterham Valley Parish Council spoke against the application.

Mr Nigel Greenhalgh, the applicant, spoke in favour of the application.

Councillor Duck proposed the following motion for refusal:

The proposed development by reason of scale, bulk, cramped form and unacceptable design would result in overdevelopment failing to respect the character of the surrounding area. This would be contrary to CSP18 and CSP19 of the Core Strategy of 2008, DP7 of the Detailed Policies 2014 and of Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021. Also contrary to the Harestone Valley Character Assessment Area D and as set out in the CCWNP Design Guide Area 7.

Councillor Ridge seconded the motion. Upon being put to the vote, the motion was lost.

Councillor Grey proposed the following second motion for refusal:

The proposal would result in substandard living accommodation for future occupants by virtue of the layout of the accommodation and the relationship with external amenity space, contrary to Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Councillor Mansfield seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that planning permission be refused.

154. 2021/886 - ARDEN LODGE, PASTENS ROAD, LIMPSFIELD, RH8 0RE

The Committee considered an application for the demolition of an existing porch and single storey side extension and the subsequent erection of a single storey rear extension, two storey side extension, new porch and associated alterations.

The Officer recommendation was to permit, subject to conditions.

Mr Robert O'Donovan, an objector, spoke against the application.

Councillor Mark Wilson of the Limpsfield Parish Council spoke against the application.

Ms Katie Walker, the applicant's agent, spoke in favour of the application.

Councillor Lockwood put forward the following motion for refusal:

The design of the proposed extensions and alterations would result in a form of development that would appear incongruous and out of character with the existing dwelling causing harm to the character of the existing dwelling and surrounding area and special landscape character contrary to Policy CSP18 and CSP20 of the Tandridge District Core Strategy 2008 and Policy LNP3 and LNP5 of the Limpsfield Neighbourhood Plan.

Councillor Duck seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that planning permission be refused.

155. 2021/1162 - 66 HIGH STREET, CATERHAM, CR3 5UB

The Committee considered an application for the demolition of the existing ground floor rear extension and partial demolition of an existing rear outrigger and the subsequent erection of a new ground floor, first floor and loft extensions. The application included a change of use of part of the front ground floor and rear from A1 to sui generis (large house in multiple occupation) and a change of use of first floor from C3 to sui generis (large house in multiple occupation).

The Officer recommendation was to permit, subject to conditions.

Mr Bharat Shah, the applicant, spoke in favour of the application.

RESOLVED – that planning permission be granted, subject to conditions.

156. 2020/2074 - SAWMILLS, GREEN LANE, OUTWOOD, RH1 5QP

As a result of recent communications between the Council and the Applicant relating to a condition on vehicle movements from and to the site, the Interim Chief Planning Officer had reason to change his recommendation to the Committee and to recommend that the application be deferred to the next Planning Committee.

Upon being put to the vote, the amended Officer recommendation was agreed.

RESOLVED – that the application be deferred.

157. 2021/428 - 268 HILLBURY ROAD, WARLINGHAM, CR6 9TP

The Committee considered an application for outline planning permission for the demolition of the existing dwelling and the erection of 10 flats with associated access, parking and landscaping.

The Officer recommendation was to permit, subject to conditions.

A recording of the representations of Mr Laurence Smith, an objector, was replayed to the Committee.

Mr Martyn Avery, the applicant's agent, spoke in favour of the application.

Councillor Prew proposed the following motion for refusal:

The proposal by reason of the number of units, site layout, design and mass of the proposed building and the location of the car park across the frontage would result in overdevelopment and increased intensification of the site which would cause harm to the character of the area and fail to reflect the prevailing character and setting of the area. The height of the building at 9.8m would be higher than both adjacent buildings and significantly higher than the property at 270 Hillbury Road, to the south of the proposed development. As such, it would be dominant in the area and out of keeping with the existing street scene contrary to Policy CSP18 of the Tandridge District Core Strategy (2008), Policy DP7 of the Tandridge District Local Plan; Part 2-Detailed Policies (2014).

Councillor Morrow seconded the motion. Upon being put to the vote the motion was carried.

Councillor Morrow proposed the following second motion for refusal:

The proposal has insufficient amenity space for the number of dwellings proposed, thus failing to provide a satisfactory living environment for future occupiers, contrary to policy DP7 of the detailed Policies 2014.

Councillor Duck seconded the motion. Upon being put to the vote the motion was carried.

RESOLVED – that planning permission be refused.

158. 2021/1259 - 1 CAREWELL COTTAGES, ST PIERS LANE, LINGFIELD, RH7 6PN

The Committee considered an application for the erection of a two storey side and single storey rear extension.

The Officer recommendation was to refuse.

Councillor Steeds proposed the following motion for approval:

The proposed extensions and alterations would not be considered a progressive or disproportionate addition to the original building as it stood in 1968 and it would therefore not constitute inappropriate development in the green belt. The nature of the proposal would not result in significant harm to the character and appearance of the area nor would it have any undue impact on the residential amenities of the existing occupiers. It is considered that the development would accord with the appropriate policies and it is therefore recommended that planning permission is granted subject to conditions.

Councillor Ridge seconded the motion. Upon being put to the vote, the motion was lost.

RESOLVED – that planning permission be refused.

159. 2021/1286 - 69 HARESTONE LANE, CATERHAM, CR3 6AL

The Committee considered an application for the erection of a single storey side extension and rear single storey extension to create separate annexe for relative and erection of further two storey side extension to provide utility study and bedroom space to the main house.

The Officer recommendation was to permit, subject to conditions.

Mr Andrew Ramsden, an objector, spoke against the application.

Councillor Duck proposed the following reasons for refusal:

- 1. The proposed development, by reason of its scale, bulk and proximity to the boundary, would be a dominant and cramped form of development that would result in an overdevelopment of the site and fail to respect the spacious character of the existing dwelling and site. This would result in significant harm to the character and appearance of the site contrary to Policy CSP18 of the Tandridge District Core Strategy 2008, Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014, Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 and the Harestone Valley Character Assessment 2011.*
- 2. The proposed development, by virtue of its elevated position and the topography of the site and surrounding area, would result in a visually intrusive, overbearing development and perceived loss of privacy for neighbouring properties contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014.*

The motion was seconded by Councillor Ridge. Upon being put to the vote, the motion was lost.

RESOLVED – that planning permission be granted, subject to conditions.

160. PLANNING APPLICATIONS SUBMITTED BY THE COUNCIL

The Committee considered a short report (**attached at Appendix A**) which set out a recommended amendment to the Planning Committee's scheme of delegation which would remove the requirement for planning applications submitted by the Council to be ratified by Full Council.

Upon being put to the vote the recommendation was approved.

RECOMMENDED – that the recommendation (**Appendix A refers**) be approved, subject to ratification by Full Council.

In accordance with Standing Order 25(3) Councillor Lockwood wished it recorded that she voted against the recommendation to amend the Planning Committee scheme of delegation.

161. RECENT APPEAL DECISIONS RECEIVED

The Principal Planning Officer advised that the following application had been allowed by the Planning Inspectorate:

TA/2020/690 - Land off Oxted Road (A25), Oxted. This application had not been heard by the Planning Committee and had been referred to public inquiry.

Rising 0.13 am

Planning applications submitted by the Council – Planning Committee – Thursday, 7th October 2021

Report of: Head of Legal Services and Monitoring Officer

Purpose: For recommendation to Full Council

Publication status: Open

Wards affected: All

Executive summary

This report enables the Committee to consider whether its delegated powers should be amended to enable it to resolve planning applications submitted by the Council.

At present, the determination of such applications is reserved for Full Council, based on recommendations from this Committee. This long-standing arrangement dates back to when the Council was formed.

This report supports the Council's priority of: "*Building a better Council*"

Contact officer Vince Sharp (Democratic Specialist)
vsharp@tandridge.gov.uk

Recommendation to Council

That the Committee's scheme of delegation be amended (as shown below) to enable it to resolve all planning applications referred to it, including those where the Council is the applicant:

“TO RECOMMEND

- ~~(i)~~ Applications for planning permission by the Council itself.
- ~~(ii)~~ (i) Changes to the Committee's Terms of Reference.
- ~~(iii)~~ (ii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

TO RESOLVE

- (i) Determination of **all** planning and related applications and enforcement action referred to the Committee by any Member of the Council and/or the Chief Planning Officer.
- (ii) Guidelines under which the Committee shall determine its level of involvement in individual planning, building control and enforcement decisions.
- (iii) Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections.”

Reason for the Recommendation

The requirement for Full Council to ratify planning applications is now deemed to be impracticable and, subject to any views Members may have to the contrary, should cease.

Introduction and background

1. As far as this Council's governance arrangements are concerned, it has always been the case that its own planning applications have to be determined by Full Council.
2. Until recently, when these situations have arisen, the Full Council ratification stage has been regarded as a formality, akin to a rubber stamping exercise.
3. However, the previous two Council applications to be considered by the Committee have prompted concerns about the rationale for the process. For example, the following arrangements apply to Planning Committee meetings which, hitherto, have not been replicated at Full Council when planning related recommendations are considered:

- (i) the Committee members sit in a quasi-judicial capacity and its members are required to undergo training before they can participate in meetings;
 - (ii) planning officers give detailed presentations;
 - (iii) applicants/agents, objectors and Parish Council representatives can make oral representations.
4. A recent canvass of neighbouring councils has not identified any other Surrey Borough or District which adopts the same practice as this Council (at the time of writing, 8 of the other 10 councils have confirmed that their planning committees are empowered to determine all planning applications, regardless of the whether the council is the applicant).
5. The current approach exposes risks associated with the Council overturning a recommendation from this Committee. Such decisions would have to be based on sound planning grounds which could be defended on appeal and the inconsistencies highlighted in paragraph 3 above raises the prospect of flawed decision making.
6. The only possible scenario whereby Full Council could base a decision on non-planning grounds is if it chose to:
 - withdraw an application (for whatever reason) in connection with a recommendation from the Committee to approve; or
 - vote against such a recommendation

... in which case the Council's planning application in question would fall as distinct from being refused.
7. A higher risk scenario would be presented if Full Council decided to overturn recommendation to refuse.
8. While some of the examples above are hypothetical, the fact remains that the current delegation arrangements assume that recommendations from the Planning Committee will go through 'on the nod' at Full Council. This assumption should no longer be relied upon and the most logical approach would be for the Committee to be empowered to determine all planning applications. It would seem impracticable for Full Council to act as the local Planning Authority, which is what the current delegation arrangements potentially require.

Key implications

Comments of the Head of Legal Services

The recommendations put forward in this report have been considered by different Officers and there is no legal impediment should Members be minded to revise the Committee's scheme of delegation.

Equality

This report contains no proposals that would disadvantage any particular minority groups.

Climate change

This report contains no proposals that would impact on the Council's commitment to addressing climate change.

Appendices

None

Background papers

None