

# Minutes of a meeting of the **Planning Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Tuesday, 25 July 2023** at **7.30 pm**.

**Present:** Councillors S. Parnall (Chair); M. S. Blacker (Vice-Chair), J. S. Bray, Z. Cooper, P. Harp, S. A. Kulka, S. McKenna, K. Sachdeva, J. Thorne, J. Baker (Substitute), J. Dwight (Substitute), B. Green (Substitute), A. Proudfoot (Substitute) and R. Ritter (Substitute)

**Attended remotely:** Councillors C. Stevens

**Visiting Members present:** G. Buttironi



## **18 Minutes**

**RESOLVED** that the minutes of the previous meeting held on 28 June 2023 be approved as a correct record.

## **19 Apologies for absence**

Apologies for absence were received from Councillors Tary, Fairhurst, Hudson, Chandler and Torra. Councillors Green, Baker, Dwight, Proudfoot and Ritter attended as their respective substitutes. Councillor Stevens attended for part of the meeting online and was therefore unable to vote.

## **20 Declarations of interest**

Councillors Blacker and Baker declared a non-pecuniary interest in item 5 of the agenda, The Air Balloon, 60 Brighton Road, as they were members of Horley Town Council and Councillor Blacker was a member of its Planning Committee.

Councillor Cooper declared a non-pecuniary interest in item 6, 49, 51, and 53 Shelveys Way, as her sister was a friend of the developer, however Councillor Cooper confirmed that she has never had any communications with the developer.

Councillor Blacker declared a pecuniary interest in item 7, Glenri, 48 Upfield, as this was his property, he left the room for this item.

## **21 Addendum to the agenda**

**RESOLVED** that the addendum be noted.

## **22 22/01400/F - The Air Balloon, 60 Brighton Road, Horley**

The Committee considered an application at The Air Balloon, 60 Brighton Road, Horley for the demolition of existing building and redevelopment of the site to provide a Class E(a) retail foodstore with associated parking, access and landscaping.

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Adam Forsdick, the Regional Head of Property for Lidl, spoke in support of the application, stating that during a cost-of-living crisis, the need for local access to a discount food-store was more vital than ever. In their consultation over 91.5% of respondents confirmed they supported the proposal to relocate. The application was policy compliant except for the heritage aspect and members were asked to consider the material benefits for approving this application, as well as uphold the views of the public majority.

In terms of the heritage asset only a very small part of the existing building was from the late 18th Century. Externally it had been subject to unsympathetic extensions and internally there were no heritage features remaining. If Heritage England's criteria for local listings were applied, this building would not meet the test. Lidl attempted to incorporate elements of the original façade into its proposal, but this left the development unviable. The site's history would be honoured through on-site signage or other artwork. The war memorial was subject to harm due to its location close to a busy road and industrial units. The elevations on the store had been softened to tie in more sensitively with local surroundings. More trees had been added to improve screening and this could be further reviewed to maximise tree screening and biodiversity if the application was overturned. Greene King's letter to the LPA confirmed that the premises would close irrespective of this application. Lidl's current store was not fit for purpose and continued trading could not be guaranteed; other underperforming stores had been closed. If this application could be consented because of its economic regeneration benefits, and additional jobs, it was requested that the Committee moved a recommendation for approval.

Russell Ingram, the Store Manager from Waitrose, Horley, spoke in objection to the application, stating that Waitrose had been trading in Horley town centre for several decades and played an important role in retaining local spending and supporting the wider town centre through linked shopping trips. Waitrose had serious concerns about the impact this application would have on the vitality and viability of Horley town centre. Changing patterns of shopping meant that town centres were increasingly reliant on supermarkets to support their overall vitality. The removal of Lidl from the town centre would reduce spending and visits to the town centre. The town centre was currently underperforming and Horley had a higher vacancy rate than other towns in the borough and by drawing further money away from the town the situation would worsen. There was a clear risk that Horley town centre would experience a significant adverse impact, which was contrary to the objectives of national and local planning policy. The applicants identified that the only interest they have had in the existing Lidl unit, were it to close, was from seven occupiers, including a charity retailer and two gyms. These would not generate the same level of spend, footfall and benefits to the town centre as the current Lidl store does. Waitrose welcomed the officer's recommendation for refusal on the grounds of impact on local heritage assets and consider this to be a highly significant consideration given the prominent position of the Air Balloon pub site.

Councillor Buttironi, a visiting member, spoke in support of the application, thanking the officers for evaluating the application however was disappointed by the recommendation to refuse the application. The benefits of the application were outlined. 60 Brighton Road was a strategic location and a five-minute walk from the High Street. Greene King had the intention to leave the site irrespective of the decision. It was felt that by following the officer recommendation to refuse the application would:

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- Cause Horley to lose a food chain at a time of hardship, reducing competition;
- Leave two sizeable commercial sites empty for the foreseeable future and lead to a decrease in footfall in the town centre;
- Leave many residents concerned that the Air Balloon site would become dilapidated and become an area for anti-social behaviour;
- Cause substantial harm to the local area; and
- Cause concern regarding soaring prices.

Councillor Buttironi understood the concern regarding the heritage asset however the construction of a Lidl would send a powerful signal to residents that Horley was open for business and that its best days still lay ahead, particularly in light of the ongoing work between the borough and the town council on revitalising the High Street. If approved, conditions should be inserted for trees and to improve the way the store looked from both directions.

A reason for approval was proposed by Councillor Baker and seconded by Councillor Bray, whereupon the Committee voted and **RESOLVED** that planning permission be **APPROVED** on the grounds that:

The development hereby permitted has been assessed against the relevant development plan policies as set out in the committee report and material considerations, including third party representations.

It is considered that the public (social and economic) benefits provided by the development would outweigh the less than substantial harm to the designated heritage asset, total loss of the non-designated heritage asset, the schemes failure to promote and reinforce local distinctiveness and respect the character of the surrounding area and the potential impact on the town centre. It is therefore concluded that the development is in accordance with the relevant policies of the development plan and there are no material considerations that justify refusal in the public interest.

### Proactive and Positive Statements

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

Conditions to be agreed with the Ward Councillors and Chair/Vice Chair of the Committee.

## 23 22/01965/F - 49, 51 and 53 Shelters Way, Tadworth

The Committee considered an application at 49, 51 and 53 Shelters Way, Tadworth for the Erection of 2 dwellings. Erection of 2 - four-bed chalet bungalows with associated parking and landscaping and creation of new access drive onto Shelters Way on the land the rear of 49, 51 and 53 Shelters Way. As amended on 08/03/2023 and on 12/06/2023.

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Mandy O'Brien, a local resident, spoke in objection to the application explaining that she had been fighting this application for 8 months and having analysed the submissions there were many factual errors. There were a number of concerns regarding excessive surface water, with the neighbouring house and part of the development having flooded internally. The SuDS condition offered could worsen the situation. The Planning team has tried to work with the objector to correct some errors, however, not enough had been corrected to make a fair and objective decision. The Highways report stated that visibility splays were to be 3m x 3m, however the architect's plan showed 2m x 2m. In 6.21 of the report, it stated that there were no road restrictions in Shelveys Way, however there were many. A report in the addendum did not cover the shading arc and this would impact the gardens and the proposed 2 houses, this especially covered plot 2 which would only receive 2 hours of sunlight. This was against policy DES1, point 5. There was concern regarding trees with TPOs and that trees would be harmed during construction. This was not a plot for development and there was concern regarding residents' quality of life and protected woodlands and wildlife.

Peter Leslie, a local resident, spoke in objection to the application stating that his family moved to the road 13 years ago, attracted to the large open gardens however times had changed, and it was becoming a harder place to live. The proposal was not for chalet bungalows, but large four-bedroomed houses. Trees had already been felled on the site and more would need to be felled. There was a single access road proposed for two homes with large footprints. There was concern regarding surface water flooding and for the wildlife corridor, in particular Surrey Wildlife Trust was concerned about floodlighting and the harm on bats. The properties would be 7m in height and this would cause overlooking. There had been hundreds of objections to this development. These properties would be worth more than a £1million each and Tadworth did not need more properties like this.

Caroline Pinnock, the Developer, spoke in support of the application, stating that the population in the borough was set to increase by 5% between 2022 and 2027. The infilling of brownfield sites such as this formed an important part of the strategy to meet the urgent need for new housing. The access drive was comparable to that approved on appeal at 62-64 Shelveys Way. SCC Highways supported the proposed access. The amenity of the neighbouring properties had been carefully considered. An Environmental Noise Survey was submitted as part of the appeal at 62-64 Shelveys Way. The Appeals Inspector stated, "noise levels associated with the proposed development would be significantly lower than ambient noise levels,". However, to increase amenity for neighbours this application included a 1.8m sound reduction fence along all the garden boundaries. Light from traffic along the access would be infrequent and limited by the 1.8m fences. In terms of flooding the site was at the top of a hill in Flood Zone 1. A SuDS condition has been recommended to ensure that no additional surface water would result from the development. The appeals inspector, in approving the development at 62-64 Shelveys Way, considered flood and drainage risks were suitably mitigated by appropriate planning conditions. In respect of the trees an arboricultural survey had been completed and the Tree Officer supported this application. There was ample room on site for ad hoc visitor parking as well as designated space and the resultant impact on local traffic would be negligible. A full ecological and wildlife site survey was completed by Arbtech Ltd and was reviewed by Surrey Wildlife Trust who supported the application with conditions to protect wildlife during construction and to make a positive contribution to wildlife within the development. This application was less dense than the approved applications in Stanton Grove, and that at 75 Shelveys Way and 62-64 Shelveys Way. There was a

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well-established precedent in the road for this type of development. The Planning team were thanked for their work and those that supported the application.

The Committee noted that this was not a brownfield site.

**RESOLVED** that planning permission be **GRANTED** subject to conditions and changes from the addendum plus an amended changes to and additional conditions and informatives requiring:

- A condition on artificial lighting;
- To include the Highway Informative notes as per SCC consultation on the requirement for a 3m x 3m splay, as per the recommendation.

Councillor Harp requested that it be noted that he did not vote in favour of this application.

### 24 23/01031/HHOLD - Glenri, 48 Upfield, Horley

The Committee considered an application at Glenri, 48 Upfield, Horley for a proposed single storey rear extension.

**RESOLVED** that planning permission be **GRANTED** subject to conditions as per the recommendation.

### 25 Development Manager Quarter 1 2023-24 Performance

The Development Manager explained that overall performance has held up very well despite some difficult operating circumstances with staff turnover in the Technical Support and Planning Applications Teams. Recruitment to the vacant Planning Technician role and TSU roles helped improve performance.

Performance for Major and Non major applications continued to be good, with targets being met.

In respect of major applications that were determined in the targeted timeframe for quarter 1, 100% were determined within this timeframe against a target of 60%. For non-major applications in quarter 1, 93% were determined within this timeframe against a target of 70%, up from 82%.

When combined both had a significant decrease in days to decision, down to 82 days but still sat above the target. A combination of decreasing the backlog and staffing continued to prove challenging in bringing the days to decision to within target.

In respect of appeals performance this had not been as strong with:

- nine appeal decisions to note for the quarter;
- with four dismissed and five allowed.

This poorer start to the year meant that 44% of appeals were dismissed against a target of 70%. While this was only a single quarter it was difficult to define any trends or underlying themes that required exploring and management.

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It was noted that three of the five that were allowed had been Committee decisions and two upon the same site at Redhill Ambulance Station. A third was also a Committee item for a single house at 5 Carlton Road, Redhill. Without those decisions the appeals would have met the target.

With regard to enforcement, the Enforcement service continued to see high volume of work with numbers of reported breeches remaining high. There were a similar number of cases reported in quarter 1 as last year, but overall the cases on hand have decreased which was pleasing as the team had reduced in size due to a contractor finishing their term.

In respect of workloads, the number of cases determined increased due to new staff, however work on hand has yet to return to previous levels when staffing was shorter, but progress has been made in that regard. Likewise, the time taken to registration has also decreased in recent months as the new staff in the TSU team have had an impact. Shorter registration would help days to decision and work on hand.

**RESOLVED** that the report be noted.

### **26 Any other urgent business**

There was none.

The meeting finished at 10.38 pm