

Minutes of a meeting of the Development Control Committee Held 3rd December 2014 at Pippbrook, Dorking from 7.00pm to 11.53pm

Present: Councillors: Chris Hunt (Chairman), Margaret Cooksey (Vice-Chairman), Emile Aboud, Stella Brooks, Rosemary Dickson, Paul Elderton (Substitute for Philippa Shimmin), Raj Haque (Substitute for Bridget Lewis-Carr), Valerie Homewood, Mary Huggins, Howard Jones, Simon Ling, Tim Loretto, David Mir, John Muggerridge, John Northcott, Jatin Patel, David Preedy and Peter Stanyard.

48. Minutes

RESOLVED: That the Minutes of the meeting held on 5th November 2014 be approved as a correct record and signed by the Chairman.

49. Apologies for Absence

Apologies for absence were received from Councillors Bridget Lewis-Carr and Philippa Shimmin.

50. Disclosure of Interests

Councillor Emile Aboud declared:-

- a non-pecuniary interest in Item 7 as a member of the Fetcham Residents Association.

Councillor Stella Brooks declared:-

- a non-pecuniary interest in Item 3, 12 & 13 as a member of the Bookham Residents Association.
- a non-pecuniary interest in Item 2 as she had a 'myWaitrose' card.

Councillor David Draper declared:-

- a non-pecuniary interest in Item 1 as a member of the Dorking and District Preservation Society.

Councillor Margaret Cooksey declared:-

- a non-pecuniary interest in Item 1 as she was a member of the Dorking and District Preservation Society.
- a non-pecuniary interest in Item 2 as she had a 'myWaitrose' card.
- a non-pecuniary interest in Item 6 as a member of the Ramblers Association.

Councillor Paul Elderton declared:-

- a non-pecuniary interest in Item 1 as he had a conversation regarding the Licensing aspect of the application with the manager which might be considered as predetermination, and would withdraw from the meeting during the consideration of this item.
- a non-pecuniary interest in Item 4 as he has met and spoke to the Trustees of the Museum.
- A non-pecuniary interest in Item 1 as the Secretary of the Dorking and District Preservation Society.

Councillor Raj Haque declared:-

- a non-pecuniary interest in Item 7 as a member of the Fetcham Residents Association.

Councillor Valerie Homewood declared:-

- a non-pecuniary interest in Item 1 as a member of the Dorking and District Preservation Society.
- a non-pecuniary interest in Item 9 as she has met and spoke to the next door neighbour of the site.

Councillor Rosemary Dickson declared:-

- a non-pecuniary interest in Item 2 as she had a 'myWaitrose' card.
- a non-pecuniary interest in Item 10 she sat on the Leatherhead Drama Festival board with the applicant, and would withdraw from the meeting during the consideration of this item.

Councillor Jatin Patel declared:-

- a non-pecuniary interest in Items 3 & 7 as the applicants were his customers.

Councillor David Preedy declared:-

- a non-pecuniary interest in Item 1 as he was a member of the Licensing Sub-Committee that had considered the licensing application for this premise.
- a non-pecuniary interest in Item 4 as he has met and spoke to Trustees of the museum.

Councillor Sarah Seed declared:-

- a non-pecuniary interest in Item 2 as she had a 'myWaitrose' card.
- a non-pecuniary interest in Item 7 as a member of the Fetcham Residents Association.

Councillor Peter Stanyard declared:-

- a non-pecuniary interest in Item 5 as he was a member of the Ashted Residents Association.

At this point, Members of the Committee were advised that Item 11, application MO/2014/1168 had been withdrawn.

Members of the Committee noted the Government's amended planning guidance on the use of Section 106 undertakings as detailed in the addendum. Officers advised that the recommendations for Items 3, 6, 7 & 12 had been changed to reflect these changes in the guidance (as detailed in the addendum).

52. Application MO/2014/1468 – Change of use of ground and first floor from Class A1 (retail) to Class A3 (restaurant) use, associated extraction and ventilation equipment, new shopfront and alterations to external walkway to create a new outdoor seating area: Units 4 and 5, 3, St Martins Walk, Dorking, Surrey (Item 1)

The Committee considered the report set out on pages 1 to 14 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

The Committee heard representations from the following speakers: Roger Jones, local resident, and Jean Pearson, Chairman of the Planning Committee of the Dorking and District Preservation Society, who both spoke in objection to the application; Jim Tarzey, Director for Pegasus Planning Group for the applicant and Philip Downer, Managing Director of Calliope Gifts in St Martin's Walk, who both spoke in support of the application.

Councillor David Draper, Ward Councillor for Dorking North, addressed the Committee in respect of the application.

The Committee considered the application in full, and some Members felt that the reasons for refusing the application were restrictive and that greater weight should be given to the comments made by the Mole Valley Economic Development Unit Manager and the advice of the NPPF which encourages mix uses, especially that the premises had been empty for over one year. It was also argued that the Mole Valley Local Plan policy DTC2 and Dorking Town Area Action Plan DT3 should be considered flexibly in the current changing market circumstances and economic climate. A motion to grant this application on these grounds and in contrary to the Officer's recommendation was proposed and carried.

(N.B. Counted vote on the decision of the Committee on motion – 10 for, 6 against and 1 abstain)

Members requested Officers to produce appropriate conditions including specific hours of use relating to inside use, outside use, and accessibility aspects.

RESOLVED: That permission be granted in respect of application no. MO/2014/1468 subject to appropriate conditions to be determined by Officers.

53. Application MO/2014/0317 – Use of the public highway for the placing of tables and chairs outside Waitrose between the hours of 08:00 and 21:00 Monday to Saturday and 10:00 and 16:00 on Sundays: Waitrose Ltd, 48, South Street, Dorking, Surrey (Item 2)

The Committee considered the report set out on pages 15 to 21 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

Some Members expressed concerns over the proposed hours of use of the outside seating area, and it was agreed that the hours be reduced to 19.00 Monday to Saturday.

(N.B. Counted vote on the decision of the Committee on change of hours – 10 for and 8 against)

Members also agreed that the seating area be cleared and chairs and tables would not be placed before noon on Remembrance Sunday.

RESOLVED: That permission be granted in respect of application no. MO/2014/1317, subject to the conditions detailed in the report, together with the following amended condition and additional informative.

Amended Condition

2. The tables and chairs and associated furniture shall only be placed within the seating area shown on the approved drawings between the hours of 08.00 and 19.00 Monday to Saturday and 10.00 to 16.00 on Sundays. Outside of these hours, the furniture including the posts, banners, chairs, tables, parasols and litter bins shall be removed and stored inside the foodstore.

Reason: To protect the amenity of the area including the amenity of neighbouring residents and to satisfy policy ENV22 of the Mole Valley Local Plan and policy CS14 of the Core Strategy.

Additional Informative

1. It is requested that the tables and chairs, posts and associated furniture should not be placed on the pavement during the Remembrance Sunday Commemoration Service owing to the large number of people who attend this event.

54. Application MO/2014/1381 – Erection of 1 No. detached dwelling with associated parking and access onto The Garstons: Land rear of 7, Sole Farm Road, Bookham, Leatherhead, Surrey (Item 3)

The Committee considered the report set out on pages 22 to 29 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

RESOLVED: That subject to the consideration of legal advice regarding the alterations to National Planning Policy Guidance on Friday 28 November 2014 in relation to the legality of accepting S106 contributions for infrastructure payments and affordable housing payments, the Corporate Head of Service be authorised to grant permission if the legal obligation is received by 17th December 2014 and subject to the conditions and informatives as set out in the report, or if the obligation is not received by that date, or such later date as agreed by the Corporate Head of Service, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

55. Application MO/2014/1291 – Erect new museum building (use class D1) following removal of existing mixed commercial (B1) and Museum (D1) building. External display of one plane: Gatwick Aviation museum, Vallance by-Ways, Lowfield Heath Road, Charlwood, Horley, Surrey (Item 4)

The Committee considered the report set out on pages 30 to 54 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

Councillor Charles Yarwood, Ward Councillor for Charlwood, addressed the Committee in respect of the application.

RESOLVED: That subject to securing a Section 106 agreement to secure the following:

1. Limiting outside storage to : Shackleton plane and associated power supply trolley and; one General Electric CF6 turbofan engine;
2. Limiting the times and durations of any engine runs;

The Corporate Head of Service be authorised to grant permission subject to the conditions and informatives as set out in the report together with the following amended condition and additional informative.

Amended Condition

16. The museum building hereby permitted shall not be open to the public except between the hours of 09:00 to 17:00 on no more than five days per week.

Reason: In the interests of the amenities of nearby residential occupiers, in accordance with policy ENV22 of the Mole Valley Local Plan.

Additional Informative

6. The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for any advertisements requiring express consent which it may be proposed to display on these premises.

56. Application MO/2014/1221 – Erection of two storey side extension with part two storey, part single storey rear extension. Additional parking at front: 2, Park Lane, Ashtead, Surrey (Item 5)

The Committee considered the report set out on pages 55 to 61 of the agenda and other matters discussed at the meeting.

Councillor Peter Stanyard, Ward Councillor for Ashtead Park, addressed the Committee in respect of the application. Councillor Stanyard also recognised that the proposed development is not in a Residential Area of Special Character.

RESOLVED: That permission be granted in respect of application no. MO/2014/1221, subject to the conditions and informative detailed in the report.

(N.B. Counted vote on the decision of the Committee – 16 for, 0 against and 2 abstain)

57. Application MO/2014/0665 – Alterations and conversion of existing barn to dwelling. Conversion of adjacent cart shed to ancillary accommodation and associated works. Erection of replacement carport and store. Replace sand school with tennis court: holmburry Farm, Cotton Row, Abinger, Dorking , Surrey (Item 6)

The Committee considered the report set out on pages 62 to 70 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

RESOLVED: That permission be granted in respect of application no. MO/2014/0665, subject to the conditions and informatives as detailed in the report, together with the following amended conditions.

Amended Conditions:

11. The chain link tennis court fencing as indicated on the approved plans shall be finished in a dark green or black colour and thereafter no variation in colour shall be made without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

13. No part of car port hereby permitted shall be used for habitable accommodation.

Reason: To prevent the car port being converted into living accommodation in conflict with Mole Valley Local Plan policy RUD9.

17. The development hereby permitted shall not be occupied until the passing bay indicated on approved drawing no. 13196/P003 shall be constructed and brought into use prior to the commencement of any work to convert the building.

Reason: In order that the development shall not prejudice highway safety in accordance with Policy MOV2 of the Mole Valley District Council Local Plan.

58. Application MO/2014/1409 – Erection of one detached bungalow with single integral garage accessed from private driveway to be constructed as part of MO/2013/1606: Land rear of 11, The Ridgeway, Fetcham, Leatherhead, Surrey (Item 7)

The Committee considered the report set out on pages 71 to 79 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

RESOLVED: That subject to the consideration of legal advice regarding the alterations to National Planning Policy Guidance on Friday 28 November 2014 in relation to the legality of accepting S106 contributions for infrastructure payments and affordable housing payments, the Corporate Head of Service be authorised to grant permission if the legal obligation is received by 17th December 2014 and subject to the conditions and informatives as set out in the report together with the following additional condition, or if the obligation is not received by that date, or such later date as agreed by the Corporate Head of Service, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

Additional Condition

18. Prior to first occupation of the development hereby permitted, a acoustic fencing not less than 1.8 metres in height shall be erected along the northern boundary and thereafter retained.

Reason: To protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.”

59. Application MO/2014/1368 – Variation of Condition 4 of MO/2011/1743 to allow operating hours of 08.00 to 18.00 Mondays to Fridays, 08.00 to 17.30 on Saturdays and 10.00 to 16.00 on Sundays permanently, following temporary variation for 12 months allowed under appeal, reference MO/2012/0997: Car Wash, unit 2, Bluebird House, Povey Cross Road, Hookwood, Horley, Surrey (Item 8)

The Committee considered the report set out on pages 80 to 84 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

RESOLVED: That permission be granted in respect of application no. MO/2014/1368, subject to the condition detailed in the report together with the following additional conditions.

Additional Conditions

2. Space shall be laid out within the site in accordance with the approved plans for cars to be parked/queue within the building and for vehicles to turn so that they may enter

and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

3. The premises shall be used for vehicle washing and valeting only and for no other vehicle related purposes.

4. The windows and doors on the northern elevation of the building shall be kept shut whilst any machinery is in operation.

5. The level of noise emitted from the site when equipment is operating shall not exceed the background level when measured in accordance with British Standard 4142:1997.

6. Before any security floodlighting or other forms of external lighting are installed on the site full details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details unless agreed otherwise in writing by the Planning Authority.

60. Application MO/2014/1493 – Erection of 48 No. solar panels on two ground mounted ‘A’ frames: 2 Taylors Gate Cottages, Rusper Road, Capel , Surrey (Item 9)

The Committee considered the report set out on pages 85 to 89 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

Members agreed to add a condition to minimise the impact on the landscape.

RESOLVED: That permission be granted in respect of application no. MO/2014/1493, subject to the conditions and informative detailed in the report together with the following additional condition and informative.

Additional Condition

4. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority including planting of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas in the interests of visual amenity and in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS15 of the Mole Valley Core Strategy.

Additional informative

2. To enhance biodiversity the applicant may wish to consider adding some native wildflowers to the species poor grassland on the development site, either managing the site with a conservation mowing regime, to maximise benefits for invertebrates in particular, or choosing species which are compatible with appropriate levels of sheep grazing.

61. Application MO/2014/1454 – Erection of single storey detached outbuilding to provide annexe to main dwelling: 41, Highlands Road, Leatherhead, Surrey (Item 10)

The Committee considered the report set out on pages 90 to 95 of the agenda and other matters discussed at the meeting.

Some Members voiced concerns over the size of the proposed development. It was argued that the proposed building was too large for its purpose which would then result in a cramped site. A motion to refuse this application on these grounds and in conflict with the Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policies ENV22, ENV23, ENV24 was proposed and lost.

(N.B. Counted vote on the decision of the Committee on motion – 4 for,11 against and 1 abstain)

Members agreed to add a conditions to cover working hours of construction.

RESOLVED: That subject to the receipt of a satisfactory legal obligation by 5th December 2014 for restricting the use of the building to be ancillary to the main house or any such later date to be agreed in writing with the Corporate Head of Service, the Corporate Head of Service be authorised to grant permission subject to the conditions and informative as set out in the report together with the following additional condition, or if the obligation is not received by that date, or such later date as agreed by the Corporate Head of Service, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

Additional Condition

7. No site clearance, preparation, or construction work shall take place outside the hours of 7.30am to 6.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays, and no work shall take place on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

(N.B. Counted vote on the decision of the Committee – 11 for,4 against and 1 abstain)

62. Duration of Meeting

In accordance with Standing Order 14, it was proposed and refused that the duration of the meeting be extended to allow the Committee to consider the remaining items on the Agenda.

It was agreed that Items 12 and 13 be deferred to the next scheduled Development Control Committee meeting on 7th January 2015.

Chairman.....

Date.....