

**Minutes of a meeting of the Development Control Committee
held 5th August 2015 at Pippbrook, Dorking
from 7.00pm to 9.10pm**

Present: Councillors: Margaret Cooksey (Vice-Chairman in the chair), Emile Aboud, Rosemary Dickson, James Friend (substitute for Chris Hunt), Raj Haque, Mary Huggins, Howard Jones, Malcolm Ladell, Simon Ling, Tim Loretto, Claire Malcomson, David Mir, John Muggeridge, John Northcott, Jatin Patel, Philippa Shimmin and Clayton Wellman.

43. Minutes

RESOLVED: That the Minutes of the meeting held on 1st July 2015 be approved as a correct record and signed by the Chairman.

44. Apologies for Absence

Apologies for absence were received from Councillors Chris Hunt, Santi Mondejar and Sarah Seed.

45. Disclosure of Interests

Councillor Emile Aboud declared:-

- a non-pecuniary interest in item 1 as a member of the Fetcham Residents' Association.

Councillor James Friend declared:-

- a non-pecuniary interest in item 12 as the site was in close proximity to the Mole Valley and Epsom & Ewell Conservative Association Headquarters.

Councillor Raj Haque declared:-

- a non-pecuniary interest in item 1 as he had received correspondence from residents.

Councillor Howard Jones declared:-

- a non-pecuniary interest in item 12 as he knew the applicant.

Councillor Simon Ling declared:-

- a non-pecuniary interest in item 12 as a member of the Ashtead Residents' Association.

Councillor Claire Malcomson declared:-

- a non-pecuniary interest in item 5 as she had received correspondence in respect of the application.

Councillor John Muggeridge declared:-

- a non-pecuniary interest in item 6 as he knew the applicant.

Councillor John Northcott declared:-

- a non-pecuniary interest in item 12 as a member of the Ashted Residents' Association who had made representations in respect of the application. He had also submitted his own letters of representation and therefore there was a risk of him being seen as biased, and withdrew from the meeting during consideration of the item.

Councillor Jatin Patel declared:-

- a non-pecuniary interest in item 4 as he had met with the agent.

Councillor Phillipa Shimmin declared:-

- a non-pecuniary interest in item 3 as she had visited the site and spoken to the applicant.

At this point, the Chairman drew the Committee's attention to the tabled addendum, which included information in respect of changes in Government guidance relating to the provision of affordable housing, and the consequent amendments to the recommendations in respect of agenda items 2, 3, 4, 6, 7, 9 and 10. She also indicated that she would be changing the order of business on the agenda to consider item 13 first.

46. Tree Preservation Order 2015: Land west of Oxshott Road, Leatherhead, Surrey (Item 13)

The Committee considered the report set out at pages 129 to 139 of the agenda together with other matters discussed at the meeting.

RESOLVED: That the Mole Valley District Council (Land west of Oxshott Road, Leatherhead, Surrey) Tree Preservation Order 2015 be confirmed.

47. Application MO/2015/0851 – Erection of 6 No 10 metre high floodlights and associated electrical cabinet: Recreation Ground, Cock Lane, Fetcham, Surrey (Item 1)

The Committee considered the report set out on pages 1 to 10 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

The Committee noted the proposed amendments to condition 4 relating to the review of the lighting installation, but questioned whether the amended wording set out in the addendum met the recommendation of the Environmental Health Officer. As such, the Committee requested officers to check the wording of the final condition to ensure that it complied with that recommendation. It was also agreed that the 12 months review report on the lighting installation should be circulated to Committee Members.

RESOLVED: That permission be granted in respect of application no. MO/2015/0851 subject to the conditions and informatives detailed in the report, and that authority be delegated to the Development Control Manager

to amend condition 4 below to ensure its compliance with the recommendation of the Environmental Health Officer.

Amended Condition

4. Before commencement of operation of the approved lighting scheme, the applicant shall appoint a suitably qualified member of the Institute of Lighting Professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the Institute of Lighting Professionals document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' and provide evidence to the Local Planning Authority of correct installation within one month of its implementation. Thereafter, the lighting installation shall be reviewed after a period of twelve months to check conformity with the aforementioned standard.

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties, in accordance with Mole Valley Local Plan policy ENV57 and policy CS14 of the Mole Valley Core Strategy.

48. Application MO/2015/0910 – Erection of 1 No. pair of semi-detached dwellings following demolition of existing bungalow: The Dell, 12 Knoll Road, Dorking, Surrey (Item 2)

The Committee considered the report set out on pages 11 to 20 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That, subject to the receipt of a satisfactory legal obligation to secure the payment of the required Affordable Housing contribution, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2015/0910 if the legal obligation is received by 30th September 2015 and subject to the conditions and informatives as set out in the report and the following additional condition and informative, 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

14. The recommendations, mitigation and enhancements set out within the applicant's ecological survey (Wychwood Environmental Bat Survey report dated 2015) and submitted in support of the application shall be carried out in full before the development is occupied.

Reason: To safeguard the ecological interest of the site in accordance with Mole Valley Local Plan policy ENV15 and policy CS15 of the Mole Valley Core Strategy.

Additional Informative

4. The development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under the Natural Environment and Rural Communities (NERC) Act 2006 and also help

offset any localised harm to biodiversity caused by the development process. Guidance on suitable measures is set out in Surrey Wildlife Trust's letter dated 30th July 2015 which can be viewed on the Council's website.

49. Application MO/2015/0768 – Retrospective change of use of land for stationing of caravans for residential occupation with associated development comprising new access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant for 2 No. gypsy-traveller plots: Riverdale Farm, Rusper Road, Capel, Surrey (Item 3)

The Committee considered the report set out on pages 21 to 44 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

The Committee moved into private session to consider the exempt information in the Annexe to this item and the decision in respect of recommendation B was informed by that discussion (see Minute 60 below). It was proposed and agreed that the expiration of the period for compliance detailed in recommendation B should be amended to 31st July 2016 to enable the impact on the family's circumstances to be taken into account.

RESOLVED:

- (1) That permission be refused in respect of application no. MO/2015/0768 for the reasons detailed in the report and the following additional reason and informative.

Additional Reason for refusal

4. In the absence of a completed legal agreement, under Section 106 of the Town and Country Planning Act 1990, the proposal fails to provide a contribution towards the provision of affordable housing in accordance with the Council's adopted Supplementary Planning Document 'Affordable Housing' and is therefore contrary to Mole Valley Core Strategy policy CS4.

Informative to applicant

Regarding reason for refusal 4, this reflects a High Court decision and the government's subsequent deletion of a section of the National Planning Practice Guidance (issued November 2014) which exempted developments of 10 or fewer dwellings (5 or fewer in rural areas) from affordable housing contributions.

The applicants are advised that the reason for refusal may be overcome were a satisfactory unilateral undertaking to be submitted to secure a contribution towards the provision of affordable housing.

(N.B. Counted vote on the decision of the Committee – 12 for, 2 against, 2 abstentions)

- (2) That the Council's Legal Services Manager be authorised to serve an Enforcement Notice or Notices under Section 172 of the Town and Country Planning Act 1990 to secure the cessation of the use of the land for the stationing and storage of caravans, the removal of the caravans

from the land together with the boundary fencing and hardcore, stables and sewage treatment plant and the reinstatement of the land to its former condition giving a period for compliance expiring 31st July 2016.

(N.B. Counted vote on the decision of the Committee – 15 for, 1 abstention)

- 50. Application MO/2015/0790 – Erection of one pair of two storey semi-detached dwellings, 2 No. garages, new access onto Harrow Road East, widening of existing access onto Orchard Road, parking and landscaping following demolition of all existing buildings on site (Resubmission of MO/2014/0877): Dudley’s Yard, Orchard Road, Dorking, Surrey (Item 4)**

The Committee considered the report set out on pages 45 to 55 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That, subject to the receipt of a satisfactory legal obligation to secure the payment of the required Affordable Housing contribution, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2015/0790 if the legal obligation is received by 30th September 2015 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.

- 51. Application MO/2015/0801 – Retrospective application for upgrades to buildings to create farm complex comprising stables and lambing sheds; garage and calving pens; double garage, workshop and storage, and other ancillary operations as described in Design and Access Statement dated 15.05.2015 and submitted with the application: Weavers, Weare Street, Capel, Dorking, Surrey (Item 5)**

The Committee considered the report set out on pages 56 to 66 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That permission be granted in respect of application no. MO/2015/0801 subject to the conditions and informatives detailed in the report and the following amended condition.

Amended Condition

5. Any part of the development hereby permitted that is used for the stabling of horses shall be used only as private stabling incidental to the enjoyment of the dwelling house on the application site.

Reason: To prevent the stables being used for commercial purposes to the detriment of the locality in accordance with Mole Valley Local Plan REC14.

(N.B. Counted vote on the decision of the Committee – 12 for, 1 against, 3 abstentions)

52. Application MO/2015/0064 – Conversion of stables to 1 No. residential unit: Little Buckland Corner, Reigate Heath, Reigate Road, Buckland, Reigate, Surrey (Item 6)

The Committee considered the report set out on pages 67 to 75 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That, subject to the receipt of a satisfactory legal obligation to secure the payment of the required Affordable Housing contribution, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2015/0064 if the legal obligation is received by 30th September 2015 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.

53. Application MO/2015/0555 – Change of use from office (Use Class B1) to residential (Use Class C3). Creation of 7 No. flats via reconfiguration of existing buildings and the creation of 2 No. new flats in an extension to the rear wing: Devonshire House, 66 Church Street, Leatherhead, Surrey (Item 7)

The Committee considered the report set out on pages 76 to 87 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

Concern was expressed regarding the density of the development, the number of individual units proposed and the related lack of parking spaces. Members also noted that the reconfiguration of the bin store detailed in the addendum had resulted in a consequent compromise in respect of cycle parking facilities. It was consequently proposed and agreed that the application should be refused on the grounds of insufficient parking for the number of units in accordance with ENV22, ENV24 and MOV5.

RESOLVED: That permission be refused in respect of application no. MO/2015/0555 for the following reasons:

The proposed development would have insufficient car parking spaces to meet the demand and therefore would constitute an overdevelopment of the site. The proposal would therefore be in conflict with Mole Valley Local Plan policies ENV22, ENV24 and MOV5.

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

54. Application MO/2015/0557 – Change of use from office (Use Class B1) to residential (Use Class C3). Creation of 7 No. flats via reconfiguration of existing buildings and the creation of 2 No. new flats in an extension to the rear wing (Application for Listed Building Consent): Devonshire House, 66 Church Street, Leatherhead, Surrey (Item 8)

The Committee considered the report set out on pages 88 to 94 of the agenda together with the other matters discussed at the meeting.

RESOLVED: That listed building consent be granted in respect of application no. MO/2015/0557 subject to the conditions and informative detailed in the report.

55. Application MO/2015/0700– Change of use of an existing first floor room and extension to create 1 No. residential flat: 6 High Street, Leatherhead, Surrey (Item 9)

The Committee considered the report set out on pages 95 to 100 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That, subject to the receipt of a satisfactory legal obligation to secure the payment of the required Affordable Housing contribution, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2015/0700 if the legal obligation is received by 30th September 2015 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.

56. Application MO/2014/0938 – Conversion of existing ground floor retail unit into one bedroom flat and alterations to rear parking area: 2 Guildford Road, Westcott, Dorking, Surrey (Item 10)

The Committee considered the report set out on pages 101 to 107 of the agenda together with the further material set out in the addendum and other matters discussed at the meeting.

RESOLVED: That, subject to the receipt of a satisfactory legal obligation to secure the payment of the required Affordable Housing contribution, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2015/0938 if the legal obligation is received by 30th September 2015 and subject to the conditions and informatives as set out in the report and 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. The refuse and recycling storage facilities, as shown on the approved drawings, shall be made available for use prior to the first occupation of the dwellings hereby permitted and, thereafter, shall be permanently retained as such.

Reason: In the interests of the amenities of the area, in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

57. Application MO/2015/0937 – Works in connection with conversion of existing ground floor retail unit into one bedroom flat and alterations to rear parking area (Application for Listed Building Consent): 2 Guildford Road, Westcott, Dorking, Surrey (Item 11)

The Committee considered the report set out on pages 108 to 110 of the and the matters discussed at the meeting.

RESOLVED: That permission be granted in respect of application no. MO/2015/0937 subject to the conditions and informative detailed in the report.

58. Application MO/2015/0827 – Change of use of the ground floor from a barbershop (Use Class A1) to a hot food takeaway (Use Class A5) together with the erection of a part first floor part two storey side and rear extension: 222 Barnet Wood Lane, Ashted, Surrey (Item 12)

Councillor John Northcott advised that he had submitted letters of representation in respect of the application and therefore there was a risk of him being seen as biased. Accordingly, he withdrew from the meeting during consideration of this item and took no part in the discussion or decision thereon.

The Committee considered the report set out on pages 111 to 128 of the agenda which, further to its decision on 1st July 2015, advised the Committee of additional letters of representation received up to 20th July. The Committee also considered the further material set out in the addendum and other matters discussed at the meeting. A proposal to vary condition 5 to restrict opening hours to Monday to Saturday was made. That proposal was not seconded and therefore was not debated.

RESOLVED: That permission be granted in respect of application no. MO/2015/0827 subject to the conditions and informatives detailed in the report and the following amended condition:

6. 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..

59. Exclusion of Press and Public

RESOLVED: That members of the press and public be excluded from the meeting for the following item of business under section 100A(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to any particular person, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 60. Application MO/2015/0768 – Retrospective change of use of land for stationing of caravans for residential occupation with associated development comprising new access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant for 2 No. gypsy-traveller plots: Riverdale Farm, Rusper Road, Capel, Surrey – Confidential Annexe to item 3**

The Committee considered recommendation B of item 3 in light of the information in the Annexe.

The meeting resumed in public session, following which the Committee considered recommendation B and resolved as set out in Minute 49(2) above.

61. Appeal Decisions

The Committee noted a letter from the Planning Inspectorate and three appeal decisions.

Chairman.....

Date.....