

**Minutes of a meeting of the Development Control Committee
held on 4th December 2013 at Pippbrook, Dorking
from 7.00pm to 11.05pm and reconvened on 11th December
2013 from 7.00pm to 7.34pm**

Present: Councillors Chris Hunt (Chairman), Margaret Cooksey (Vice-Chairman), Emile Aboud, Stella Brooks, Derrick Burt, Mary Cooper (for 4th December only), Rosemary Dickson, Phil Harris (for 11th December only), Valerie Homewood, Tessa Hurworth (for 4th December only), Simon Ling, Tim Loretto, John Muggeridge, John Northcott, David Preedy, Caroline Salmon and Philippa Shimmin (substitute for Bridget Lewis-Carr) (for 4th December only).

79. Minutes

RESOLVED: That the Minutes of the meeting held on 6th November 2013 be approved as a correct record and signed by the Chairman.

80. Apologies for Absence

Apologies for absence were received from Councillors Mary Cooper (for 11th December), Phil Harris (for 4th December), Tessa Hurworth (for 11th December), Bridget Lewis-Carr, David Mir, David Sharland and Philippa Shimmin (for 11th December).

81. Disclosure of Interests

Councillor Derrick Burt declared:-

- a non-pecuniary interest in item 1 as a member of the Dorking and District Preservation Society
- a non-pecuniary interest in item 3 as he knew the applicant
- a non-pecuniary interest in items 4 and 5 as a customer of Waitrose and Lidl.

Councillor Margaret Cooksey declared:-

- a non-pecuniary interest in item 1 as a member of the Dorking and District Preservation Society and the Ramblers Association and knew some of the objectors
- a non-pecuniary interest in item 2 as a member of the Ramblers Association
- a non-pecuniary interest in item 3 as a member of the National Trust
- a non-pecuniary interest in item 4 as she knew a number of the objectors
- a non-pecuniary interest in item 5 as she knew a number of the residents of Vincent Road.

Councillor Mary Cooper declared:-

- a non-pecuniary interest in item 12 as she had spoken to the objector.

Councillor Rosemary Dickson declared:-

- an interest in item 12 as she considered that she had fettered her discretion, and advised that she would speak as a Ward member and subsequently withdraw from the meeting and take no part in the discussion or decision thereon.

Councillor Phil Harris declared:-

- a non-pecuniary interest in items 10 and 11 as a member of the Bookham 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 3 as a member of the National Trust.

Councillor Chris Hunt declared:-

- a non-pecuniary interest in item 3 as he had family membership of the National Trust
- a non-pecuniary interest in item 7 as he knew some of the neighbours of the application site.

Councillor Simon Ling declared:-

- a non-pecuniary interest in item 7 as he was acquainted with one of the neighbours of the application site
- item 12 as he knew the objector.

Councillor Tim Loretto declared:-

- a non-pecuniary interest in item 5 as he knew a number of the residents of Vincent Road.

Councillor John Muggeridge declared:-

- a non-pecuniary interest in item 3 as he knew the applicant.

Councillor John Northcott declared:-

- a prejudicial interest in item 12 as he knew one of the two parties involved and advised that he would withdraw from the meeting during consideration of this item and take no part in the discussion or decision thereon.

Councillor David Preedy declared:-

- a non-pecuniary interest in item 1 as he knew a neighbour of the application site
- a non-pecuniary interest in item 2 as he had met the applicant
- a non-pecuniary interest in item 3 as a member of the National Trust.

Councillor Caroline Salmon declared:-

- a non-pecuniary interest in items 1, 2, 3 and 5 as she knew a number of the objectors

- a non-pecuniary interest in item 4 as she knew a number of the objectors and she was a retailer in South Street.

Councillor Philippa Shimmin declared:-

- a non-pecuniary interest in item 3 as a member of the National Trust.

82. Application MO/2013/0241 – Reduction in angling business, closure of ancillary café and shop, reduction and remodelling of car parking, change of use of part of car park to residential garden, spreading of existing silt stockpiles and storage of future siltings on site, demolition of existing 8 berth boat house building and other buildings, landscaping, erection of new restricted occupancy dwelling, erection of replacement 2 berth boat house and toilet, and removal of occupancy condition on Milton House: Bury Hill Fisheries, Old Bury Hill, Westcott, Dorking, Surrey (Item 1)

The Committee considered the report set out on pages 1 to 38 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, Paul Robb, a local resident, who spoke in objection to the application, and Andrew Stallan, the agent, who spoke on behalf of the applicant.

The Committee noted that the application constituted inappropriate development in the green belt and considered whether very special circumstances existed to outweigh this. A number of members considered that the very special circumstances outlined in the report were not sufficient to outweigh the harm to the green belt and, as such, the development would be contrary to Policies CS1, CS2, Section 9 of the NPPF and Surrey Hills Management Plan Policies LU2 and RT1. A motion to refuse the application on these grounds was proposed and agreed.

RESOLVED:

That permission be refused in respect of application no. MO/2013/0241 for the following reasons.

- 1) The site is situated within the Metropolitan Green Belt, the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. The proposed dwelling is inappropriate development harmful to the Green Belt in conflict with policy CS1 of the Mole Valley Core Strategy and Government advice contained in the National Planning Policy Framework.
- 2) The proposed dwelling comprises an undesirable intrusion of residential development into this pleasant rural area contrary to the policies outlined in 1 above which, if permitted, would be detrimental to the character and appearance of the area. The Local Planning Authority does not consider that sufficient overriding circumstances have been put forward in support of the application to justify the acceptance of residential development on this site within the terms of the policies outlined in '1' above.
- 3) In the absence of a completed legal agreement, under Section 106 of the Town and Country Planning Act 1990, the proposal fails to provide an contribution towards the provision of affordable housing in accordance with the Council's adopted Supplementary Planning Document 'Affordable

Housing' and is therefore contrary to policy CS4 of the Mole Valley Core Strategy.

Informative

The applicant, or their successor in title, is advised that the reason for refusal above may be overcome were a satisfactory legal agreement to be submitted to secure an infrastructure contribution and affordable housing provision, in accordance with the adopted Code of Practice for Planning Obligations and Infrastructure Provision February 2008 and the Supplementary Planning Document 'Affordable Housing'.

(N.B. Counted vote on the decision of the Committee to refuse – 10 for and 2 against)

83. Application MO/2013/1312 – Change of use of land from agriculture to an agricultural and outdoor recreational use providing year round accommodation, including 6 No. yurts; 1 No. straw bale building; 2 No. compost toilets; 2 No. showers; parking for 6 cars including one disabled space; and provision of bicycle stands: Mad Horse Copse and Meadow, Logmore Lane, Westcott, Dorking, Surrey (Item 2)

The Committee considered the report set out on pages 39 to 52 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 James Leaver, a local resident, and Mike Flowers, on behalf of Westcott Village Association, who both spoke in objection to the application, and the agent, David Seall, who spoke on behalf of the applicant.

A motion to refuse the application on the grounds of the additional traffic generated which would prejudice highway safety and cause harm to the environmental character of Logmore Lane and the adverse impact on the green belt and landscape character of the area contrary to Policies REC16, REC19, ENV22, MOV5, CS13 and the NPPF was proposed and lost.

The Committee discussed the potential for generators to be used on the site and was of the view that the use of a generator should be restricted to emergency purposes only. An additional condition to this effect was agreed, the final wording of which to be agreed in consultation with the Chairman and Vice-Chairman.

RESOLVED: That, subject to the receipt and consideration of satisfactory mitigation measures with regards to badgers, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2013/1312, subject to the conditions and informative detailed in the report, together with the following additional condition.

Additional Condition

18. No generators shall be used on the site at any time except in an emergency.

Reason: To protect neighbouring amenities from noise disturbance in this quiet location in accordance with Mole Valley Local Plan policy ENV22.

(N.B. Counted vote on the motion to refuse – 7 for and 8 against)

(N.B. Counted vote on the decision of the Committee – 9 for and 7 against)

- 84. Application MO/2013/1382 – Open windrow composting facility for green waste comprising: hardstanding; landscape bund to southern boundary; weighbridge; 2 portacabin offices; portaloo; and internal access road: Swires Farm, Henfold Lane, Beare Green, Surrey (Item 3)**

The Committee considered the report set out on pages 53 to 71 of the agenda and other matters discussed at the meeting.

RESOLVED: That Surrey County Council be informed that Mole Valley District Council objects to the proposed development and raises the concerns detailed in the report submitted.

(N.B. Counted vote on the decision of the Committee – 11 for and 0 against)

- 85. Application MO/2013/1283 – Variation of Conditions 16 and 17 of approved planning permission MO/2013/0062 for new retail store to allow changes to opening hours and delivery times: Waitrose, 48 South Street, Dorking, Surrey (Item 4)**

The Committee considered the report set out on pages 72 to 88 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 Simon Taylor, a local resident, who spoke in objection to the application and Lenka Vurstova who spoke on behalf of the applicant.

The Committee considered that, due to the location of the site, the proposed revised opening hours would give rise to significant harm to the amenity of neighbouring residents by way of noise disturbance, contrary to paragraphs 109 and 123 of the NPPF and Policy ENV22. A motion to refuse the application on these grounds was accordingly proposed and agreed.

RESOLVED: That permission be refused in respect of application no. MO/2013/1283 for the following reasons.

The proposed extended opening hours and delivery times would be detrimental to the amenities of neighbouring residents by way of noise disturbance. As such, the proposal is contrary to Mole Valley Local Plan policy ENV22 (sub para 2) and the advice set out in paragraphs 109 and 123 of the NPPF.

(N.B. Counted vote on the decision of the Committee – 13 for, 1 against)

- 86. Application MO/2013/1350 – Variation of Condition 11 of approved planning permission MO/2011/1307 for erection of food store to allow extended opening hours over the 2013 Christmas period: Lidl Food Store, Vincent Lane, Dorking, Surrey (Item 5)**

The Committee considered the report set out on pages 89 to 102 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 Rob Bonn, a local resident, who spoke in objection to the application.

It was noted that the application related to the 2013 pre-Christmas period.

A motion to refuse the application on the grounds of its adverse impact on residential amenity contrary to Policies ENV22, CS14 and the NPPF was proposed and lost.

RESOLVED: That the Corporate Head of Service be authorised to grant planning permission in respect of application no. MO/2013/1350, subject to the conditions and informatives detailed in the report.

(N.B. Counted vote on the motion to refuse – 6 for and 10 against)

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

87. Application MO/2013/1198 – The retention of an existing outbuilding for use for a temporary period as a residential dwelling during the removal of Sheraya and the erection of a replacement dwelling (approved under MO/2012/0506) and subsequent use as ancillary to the replacement dwelling for use as a gym/storage and workshop: Sheraya, Yarm Way, Leatherhead, Surrey (Item 6)

The Committee considered the report set out on pages 103 to 109 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 receipt of a satisfactory legal agreement to ensure the building subject to this application is only used as a temporary dwelling during the removal of Sheraya and erection of a replacement dwelling (approved by MO/2012/0506) and subsequently is converted to an ancillary outbuilding incidental to the enjoyment of the dwelling house on site, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2013/1198, subject to the condition and informative detailed in the report.

88. Application MO/2013/1190 – Erection of 1 No. dwelling with detached double garage and store following the demolition of existing bungalow and garage: Terracina, 7 The Mead, Ashted, Surrey (Item 7)

The Committee considered the report set out on pages 110 to 116 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

In view of the location of the application site in a residential area, the Committee proposed and agreed that an hours of construction condition should be added. It was also agreed that a condition restricting the use of the garage should be added in order to prevent it from being used for residential accommodation in the future.

RESOLVED: That permission be granted in respect of application no. MO/2013/1190 subject to the conditions and informative detailed in the report, together with the following additional conditions.

Additional Conditions

13. 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.

14. No part of the garage hereby permitted shall be used for habitable accommodation.

Reason: To prevent the garage being converted into living accommodation in conflict with Mole Valley Local Plan policy ENV22.

89. Duration of Meeting

In accordance with Standing Order 14, it was proposed and agreed that the duration of the meeting be extended to allow the Committee to consider item 12 only as a number of members of the public were in attendance for this item. Following consideration of item 12, in accordance with Standing Order 14.3, it was agreed that the meeting would stand adjourned until 11th December 2013 at 7.00pm.

RESOLVED: That the duration of the meeting be extended to allow for the consideration of item 12 only and, following the conclusion of item 12, the meeting stand adjourned until 11th December 2013 at 7.00pm.

90. Application MO/2013/1233 – Retention of existing terrace and roof above and replacement of existing corrugated plastic terrace roof with solid roof: Greenlea, Fir Tree Road, Leatherhead, Surrey (Item 12)

The Committee considered the report set out on pages 164 to 168 of the agenda together with the further material set out on the addendum sheet and other matters discussed at the meeting.

Councillor Rosemary Dickson advised that she considered that she had fettered her discretion in respect of this item, spoke as a Ward member and subsequently withdrew from the meeting during consideration of this item and took no part in the discussion or decision thereon. Councillor John Northcott declared a prejudicial interest in respect of this item, withdrew from the meeting during its consideration and took no part in the discussion or decision thereon.

Some members expressed concern that the extension remained obtrusive and was not appropriate to the site in terms of scale and location and the adverse impact on the privacy of the neighbouring property. It was considered that the application was, therefore, contrary to Policies ENV22 and ENV32. A motion to refuse the application on these grounds was accordingly proposed and agreed.

The Committee noted that the extension had already been constructed and, following the Committee's decision to refuse permission, this structure was unauthorised. Enforcement action was agreed accordingly.

RESOLVED: That permission be refused in respect of application no. MO/2013/1233 for the following reasons and that enforcement action be taken with a compliance period of three months.

The proposed extension, by reason of its design and proximity to the boundary, would have an overbearing impact and result in a significant loss of privacy harmful to the neighbouring property's amenities, in conflict with Mole Valley Local Plan policies ENV22 and ENV32.

(N.B. Counted vote on the decision of the Committee – 8 for and 2 against)

The following items of business were considered at the reconvened meeting on 11th December 2013.

91. **Application MO/2013/1020 – Alterations to existing ground floor retail unit, erection of part first floor, part second first and second floor extension at rear and conversion of ground floor to allow creation of 9 No. residential units with additional new access off Kings Head Alley: 26 High Street, Leatherhead, Surrey (Item 8)**

The Committee considered the report set out on pages 117 to 127 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 receipt and consideration of the additional comments of the Crime Reduction and Crime Prevention Design Officer, and of a satisfactory legal obligation to secure the payment of the required Affordable Housing and Planning Infrastructure Contributions by 4th February 2014, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2013/1020 subject to the conditions and informative detailed in the report, or, if that obligation is not received by that date, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

92. **Application MO/2013/1342 – Erection of 4 No. terraced houses and 4 No. flats together with ancillary parking spaces, bin and cycle storage areas, following removal of existing buildings: Devon House, Horsham Road, South Holmwood, Dorking, Surrey (Item 9)**

The Committee considered the report set out on pages 128 to 154 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 receipt of a satisfactory Deed of Variation by 13th January 2013, the Corporate Head of Service be authorised to grant permission subject to the conditions and informatives detailed in the report, together with the following amended and additional conditions and additional informatives, or if that Deed of Variation is not received by that date, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

Amended Condition

10. No development shall take place until there has been submitted to and approved in writing by the Planning Authority details of the design and materials of a 2m brick wall to be erected along the southern boundary of the parking area, including details of the gate to Stoneheal Cottage. The boundary treatment shall be completed before the occupation of the development hereby permitted, shall be carried out in accordance with the approved details and thereafter permanently retained as such.

Reason: To protect the amenities of the neighbouring properties and to ensure that the development is in keeping with the character and appearance of the area in accordance with Mole valley Local Plan policy ENV22.

Additional Conditions

17. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage

system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of sustainable development in accordance with the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

18. Prior to the commencement of the construction of the new buildings hereby permitted, an engineer's/surveyor's report shall be submitted to and approved, in writing, by the Local Planning Authority that indicates how the construction can be carried out without causing any damage, vibration or otherwise, to the adjacent listed buildings. The measures set out in the agreed report shall be implemented in full during construction.

Reason: To protect the fabric of the listed buildings in accordance with the advice set out within the National Planning Policy Framework.

19. The recommendations set out within the applicant's updated Ecological Scoping Survey report by Mountfield Ecology shall be carried out in full, including the retention of the coniferous hedge on the south western boundary. The applicant or any future occupier of the site shall seek the written consent of the Local Authority along with any necessary licenses or consent under any other relevant legislation should there be any departure from the recommendations.

20. No development hereby permitted shall take place until details of a bat barn, as per the recommendations set out in Mountfield Ecology's updated Ecological Scoping Survey report, have been submitted to and approved, in writing, by the Local Authority. The approved bat barn shall be constructed prior to the demolition of Devon House.

Reason: To ensure that the development hereby permitted is not started until provision has been made for the safeguarding of the protected species on the site in accordance with Mountfield Ecology's updated Ecological Scoping Survey report, the Natural Environment and Rural Communities (NERC) Act (2006)(Section 40), advice contained within the National Planning Policy Framework and in accordance with policy CS15 of the Mole Valley Core Strategy.

Additional Informatives

4. If the missing grill over the openings into the cellar was not reinstated before October 2013 to prevent bats entering the cellar to hibernate further survey work of the cellar may be required in order to determine if bats are using the cellar to hibernate in. If bats or other mammals have entered the cellar and development goes ahead there is a risk of causing significant adverse effects and/or harm to legally protected species. The applicant is

advised to seek clarification from their ecologist regarding the appropriate surveys required if this work has not already taken place.

5. The applicant is requested to agree with the occupiers of Stoneheal Cottage a suitable timetable of works with regard to the erection of the southern boundary wall to ensure minimal disruption during the construction phase.

6. In connection with condition 3 above the Local Planning Authority will require the surface of any area to be used by vehicles to be covered by a bound material or similar in the interests of noise reduction.

93. Application MO/2013/1451 – Erection of 1 No. chalet bungalow with single garage and 2 parking spaces at front: Land at Southwood, Burnhams Road, Bookham, Leatherhead, Surrey (Item 10)

The Committee considered the report set out on pages 155 to 163 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 of a satisfactory legal obligation to secure the payment of the required Affordable Housing and Planning Infrastructure Contributions by 19th December 2013, the Corporate Head of Service be authorised to grant permission in respect of application no. MO/2013/1451 subject to the conditions and informatives detailed in the report, together with the following additional condition and informative, or, if that obligation is not received by that date, the Corporate Head of Service be authorised to refuse permission for the appropriate reasons.

Additional Condition

13. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include percolation tests, calculations and controlled discharge rates.

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: In the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

Additional Informative

5. The applicant is requested to contact the Burnhams Road Association with regard to coming to mutually agreeable arrangements for visits to and from the site by contractors' vehicles.

94. Application MO/2013/1388 – Change of use from speech therapy clinic (Use Class D1) to dwellings (Use Class C3): 33-34 Edenside Road, Bookham, Leatherhead, Surrey (Item 11)

The Committee considered the report set out on pages 164 to 168 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/2013/1388 subject to the conditions and informative detailed in the report.

95. Appeal Decisions

The Committee noted the decisions made by the Planning Inspectorate.

Chairman.....

Date.....