

## Minutes of the Meeting of the PLANNING COMMITTEE held on 18 January 2018

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### PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor David Reeve (Vice-Chairman); Councillors Michael Arthur, John Beckett, Lucie Dallen, Neil Dallen, Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, Vince Romagnuolo, Clive Smitheram and David Wood

In Attendance: Councillor Tony Axelrod

Officers present: Damian Roberts (Chief Operating Officer), Mark Berry (Head of Place Development), Adele Castle (Planning Development Manager), Louise Mathie (Solicitor), John Robinson (Planning Officer), James Udall (Planning Officer) and Sandra Dessent (Democratic Services Officer)

#### 49 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

#### 50 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 14 December 2017 were agreed as a true record and signed by the Chairman.

#### 51 PLANNING APPLICATION 17/00946/FUL - SKATE PARK, LONG GROVE PARK, LONG GROVE, EPSOM KT19 8TF

##### ***Description***

Installation of additional concrete multi-use skate facility.

##### ***Decision***

Planning permission is **PERMITTED**, subject to the following conditions:

##### **Conditions:**

- (1) **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005**

- (2) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015

- (3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented within 2 months of the completion of the development hereby approved and thereafter retained.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM4, DM5 and DM9 of the Development Management Policies 2015.

- (4) The development hereby permitted shall be carried out in accordance with the following approved documents:

Drawing Gravity Long Grove Description and Gravity Long Grove Dimensions.

**Reason:** For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.

**Informative:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

*Note: The site is located in Court Ward not Ruxley Ward as stated in the agenda*

52 PLANNING APPLICATION 17/00535/FUL - MAYFIELD LAVENDER 139 REIGATE ROAD, EWELL KT17 3D6

***Description***

Erection of a replacement shop, extension to car park, extension to outside plant sales area, use of part of an existing glasshouse for a tearoom/lecture room, and engineering and landscaping works in association with the proposed development (as amended).

### **Decision**

Planning permission is **PERMITTED**, subject to the following conditions:

#### **Conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MSC1654-04G, MSC1654-08E, MSC1654-09A, MSC1654-07B.

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and as shown on MSC1654-08E.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (4) The development hereby approved shall not be first opened for trading unless and until the proposed vehicular modified access to Reigate Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

**Reason:** To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (5) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use of the building and thereafter retained in that condition.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (6) No area of the development hereby permitted shall be used for the retail sale of goods except for the proposed building (shop), existing building 3.2 and the open sales area identified on Drawing No MSC1654-04G and those areas shall only be permitted to sell such goods in accordance with conditions 7, 8 and 9.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (7) The proposed building (shop), existing building 3.2 and open sales area identified on Drawing No MSC1654-04G must only be used for the sale of plants and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) except as permitted by conditions 8 and 9.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (8) No more than 301m<sup>2</sup> (20%) of the proposed building (shop), existing building 3.2 and open sales area identified on Drawing No MSC1654-04G shall be used for the sale of products directly related to the horticultural use of the site (excluding plants) together with the sale of goods directly related to indoor and outdoor gardens and gardening unless otherwise agreed in writing with the Local Planning Authority and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (9) The existing building 3.2 (seating area) identified on Drawing No MSC1654-04G must only be used for ancillary A3 café use and for no other purpose and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of a change of use of the seating area falling within Schedule 2, Part 3, Class A of that Order other than the retail sale of plants.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (10) There shall be no mezzanine floors or other internal alterations which would increase the gross retail floor space above that permitted, without the prior express grant of planning permission.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (11) The use hereby permitted shall not operate other than between the hours of 09.00 to 18.00 hours.

**Reason:** To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the first use of the development hereby approved and thereafter retained.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (13) No demolition, site clearance or building operations shall commence on site until details of protective fencing and other protection measures as shown on have been submitted and approved in writing by the Local Planning Authority. At all times, until the completion of

the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (14) No events shall take place until a scheme specifying the provisions to be made for the control of noise emanating from the site, specifically musical events, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

**Informative:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- (2) The applicant should consider installing a “no right turn” sign at the vehicular exit to the site. This would assist in preventing a queue of vehicles waiting for both lanes to be free before exiting the site towards the A24.

53 PLANNING APPLICATION 17/00387/FUL - YOYO DROPIN CENTRE, 24 SOUTH STREET, EPSOM KT18 7PF

***Description***

Change of use of offices at first and second floors to create 2 new residential units (amended description).

***Decision***

Planning permission is **PERMITTED** subject to the following conditions:

**Conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.**

- (2) **The development hereby permitted shall be carried out in accordance with the following submitted plans and documents:**

**Location Plan**

**04A**

**05**

**06**

**Design and Access statement – Revision A**

**Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.**

- (3) **The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.**

**Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies (2015).**

- (4) **Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.**

**Reason: To ensure that measures to make the development sustainable and**

**efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).**

**Informatives:**

- (1) **The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line**

**with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012**

- (2) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.**
- (3) The water efficiency standard required under condition 3 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.**

**The applicant is advised that this standard can be achieved through either:**

- using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or**
- using the water efficiency calculation methodology detailed in the AD Part G Appendix A.**

#### **54 SITE VISITS**

The Committee reviewed and considered site visits and decided that a visit should be held at the appropriate time in connection with the following applications:

- Chalk Lane Hotel, Chalk Lane, Epsom KT18 7BB – 17/01275/FUL**
- 346 Chessington Road, West Ewell, KT19 9EG – 17/01274/FUL**
- Langley Vale Memorial Woodland Site, Headley Road, Langley Vale, Epsom – 17/01450/FUL**

#### **55 PLANNING MEMBERS' CODE OF CONDUCT, PUBLIC SPEAKING RULES, DELEGATION SCHEME AND CALL-IN PROCEDURE**

The Planning Improvement Action Plan was agreed by the Planning Committee at a special meeting on 13 November 2017. The plan contained a number of actions to implement changes to the practices and procedures relating to the consideration and determination of planning applications. The Committee were asked to consider updated versions of the Code of Conduct and Delegation Scheme that had been compiled taking into account comments and recommendations from the Planning Peer Challenge report, changes in the law and best practice from the Local Government Association and the Planning Advisory Service.



The Head of Place Development emphasized the importance of Member engagement with the planning process and highlighted the purpose of the changes was to facilitate the sharing of information with members, particularly for major applications in the pre-app stage.

The Committee discussed the relevance and appropriateness of the proposed 28 day deadline for call-ins, and whilst it was acknowledged that the new procedure was more restrictive than at present, it was felt that 28 days was an adequate period of time in view of the 21 days allowed for public consultation, and in addition it would facilitate the development of a more efficient committee process.

On the subject of predetermination, predisposition and bias it was stressed that as an essential part of their role members would always be encouraged to fully engage with residents and listen to their concerns on planning applications. However in order to protect themselves and the Council from misunderstandings that could result in costly legal action, the protocol should be viewed as a framework to assist members in avoiding situations where their opinions or involvement could be interpreted as pre-determining an application.

The protocol for public speaking was discussed and it was agreed that aspects of the procedure needed further consideration, as recommended in paragraph 4 of the report. It was noted that in the interim officers will ensure that applicants are made aware that should an application go to Committee there was a possibility that an objector could request to speak on the evening of the Committee.

Having considered and discussed the report, the following amendments were agreed:

Page No.	Paragraph	Amendment
51	Title	Add title: 'Model Code of Practice for Members in respect of planning matters'
57	First paragraph, second sentence	To read: 'If a Ward Councillor attends such a meeting in the belief that others have been invited but finds that no other persons are present, apart from the developer, s/he should decline to take part in any discussion of the scheme.'
59	Third bullet point	<ul style="list-style-type: none"> <li>The request must be on relevant planning grounds <b>or</b> merit intervention to have the application placed before the Planning Committee.</li> </ul>
59	Fifth paragraph	Delete 'All 'call-ins which are late will be invalid'.

59	Fourth paragraph	To read: ‘...the decision of whether the grounds are justifiable will be at the discretion <b>of the Head of Place Development, in consultation with the Chairman of Planning and the members concerned.</b> ’
60	Planning Applications made by Members and Officers	Reverse bullet points to read: <ul style="list-style-type: none"> <li>• Advise the Monitoring Officer of the application</li> <li>• Take no part in the processing and determination of the application</li> </ul>
60	Planning Applications made by members and Officers – first sentence	To read: ‘When a planning application is submitted by a Member or by a close relative, the Member will:’
62	Monitoring and reviewing of decisions second paragraph	To read: ‘Arrangements will be made for Members to visit a sample of implemented planning permissions...’
63	Training – first bullet point	It was agreed that a six month refresher training would be mandatory in addition to the annual training session. Therefore last paragraph under Training to read: ‘...and it will be the responsibility of each member to ensure they have attended at least the annual training and the six month refresher to enable them to sit on the Planning Committee’
67	Planning Scheme of Delegation	It was agreed to add a definition for the term ‘major’ It was agreed to add a definition for the term ‘major’ Add footnote as follows: “Major Development” is defined under The Town and Country Planning (Development Management Procedure) (England) Order 2015 as: (a) the winning and working of minerals or the use of land for mineral-working deposits;

		<p>(b) waste development;</p> <p>(c) the provision of dwellinghouses where—</p> <p>(i) the number of dwellinghouses to be provided is 10 or more; or</p> <p>(ii) the development is to be carried out on a site having an area of 0.5 hectares or more</p> <p>and it is not known whether the development falls within sub-paragraph (c)(i);</p> <p>(d) the provision of a building or buildings where the floor space to be created by the</p> <p>development is 1,000 square metres or more; or</p> <p>(e) development carried out on a site having an area of 1 hectare or more;</p>
68	Paragraph d.	To be modified to reflect the changes agreed on page 59.

Accordingly, the Committee:

- (1) Adopted a revised 'Model code of good practice for members in respect of planning matters, attached at Annexe 1 to supersede the (ACSeS) Model Code of Good Practice currently in the Constitution and recommend to Council that the Constitution be updated accordingly;
- (2) Approved the revised Delegation Scheme attached at Annexe 2;
- (3) Approved the revised Members' call-in procedure set out in the revised Delegation scheme
- (4) Approved the delegation of the determination of applications regarding small-scale development on Council land to Officers unless such applications are outside the delegation scheme in operation at the time.

*The meeting began at 7.30 pm and ended at 10.16 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)