

Minutes of a meeting of the **Planning Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Wednesday, 7 February 2024 at 7.30 pm.**

**Present:** Councillors S. Parnall (Chair); M. S. Blacker (Vice-Chair), J. S. Bray, P. Chandler, Z. Cooper, P. Harp, K. Fairhurst, J. Hudson, S. A. Kulka, S. McKenna, K. Sachdeva, C. Stevens, J. Thorne, D. Torra and M. Tary



**76 Minutes**

**RESOLVED** that the minutes of the previous meeting held on 10 January 2024 be approved as a correct record.

**77 Apologies for absence**

There were no apologies for absence, all members of the committee were present.

**78 Declarations of interest**

Councillor Harp declared a non-pecuniary interest in item 5, 1-12 Copthorne, Brighton Road, Burgh Heath, and item 7, Emerald Place, Dorking Road, Walton on the Hill, as both border on the Banstead Commons and he was a member of the Banstead Commons Conservators.

**79 Addendum to the agenda**

**RESOLVED** that the addendum be noted.

**80 21/02289/OUT - 1-12 Copthorne, Brighton Road, Burgh Heath**

The Committee considered an outline application at 1-12 Copthorne, Brighton Road, Burgh Heath, for 10 new dwellings, all matters reserved except for access. As amended on 21/04/2022.

Officers clarified that this was an outline application, consideration should be given to the access; the detailed matters of the landscaping, layout, and overall appearance would be reserved for later submission.

Officers confirmed that the density for the 13 flats currently on the site was 20 dwellings per hectare, while the density for the 10 new flats would be 16 dwellings per hectare, therefore resulting in a reduction in density.

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Members were concerned that the existing road was 5.5m wide and that incorporating the required 1.5m footpath, reducing the road to 4m wide, would impact the access if visitors to the development parked on this road. This concern was associated with the concern that only two visitor car parking spaces would be provided in the development.

Members were also concerned that the new road surface should be of a porous/permeable nature.

Members were concerned that a new planting scheme should be put in place to replace trees removed during construction.

**RESOLVED** that outline planning permission be **GRANTED** subject to conditions as per the recommendation and addendum changes including revised conditions in addendum.

To be noted that Committee Members expressed expectation that felled trees would be replaced in landscaping scheme/reserved matters.

#### **81 23/01979/F - Woodlands Chapel, St Mary's Road, Reigate**

The Committee considered an application at Woodlands Chapel, St Mary's Road, Dorking for the demolition of the church hall and erection of 2 x 3 bedroom houses.

Members agreed that this would be a good use of the site and reported that neighbours had a positive view of the application.

Members were concerned that the construction company should clean the road regularly whilst excavating the site.

**RESOLVED** that outline planning permission be **GRANTED** subject to conditions as per the recommendation and changes in the addendum plus the additional construction management condition:

23. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- Site working hours and a named person for residents to contact;
- Details regarding parking, deliveries, and storage including provision of a suitable booking system for HGV deliveries;
- Details regarding dust and noise mitigation measures to be deployed;
- Details of wheel washing and other measures to mitigate impacts of excavation and demolition; and
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

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The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP unless the written consent of the Local Planning Authority is received for any variation.

Reason: To protect the neighbouring occupants from noise, disturbance and inconvenience with regard to Development Management Plan 2019 policies DES1 and DES8 and the National Planning Policy Framework 2019.

### **82 23/02185/HHOLD - Emerald Place, Dorking Road, Walton on the Hill**

The Committee considered an application at Emerald Place, Dorking Road, Walton on the Hill, for the proposed use of an existing building as an ancillary annexe (part retrospective due to minor modifications to outbuilding). As amended on 18/12/2023 and on 19/12/2023.

Mr Brian Rice, a neighbour, spoke in objection to the application with concerns that it would set an undesirable precedent, which if imitated across the Walton Hill conservation area, would result in the complete erosion of the special character which these policies were intended to protect. He felt that the report's referral to the fact that the building's construction predated inclusion in the conservation area was erroneous, since the building at that time was not lawful and was still not lawful today. He felt that the Committee should ignore this aspect in their deliberations. The report stated that the building was more than would be normally acceptable in such a location, if that was true, then why would it be approved? The new bungalow is 91m<sup>2</sup> and is 4m high at its lowest point, not only does it overshadow his and neighbouring property, but it disrupts the aesthetic harmony of the neighbourhood, even more so in a conservation area. His concerns were mainly relating to the height of the building and the fact that it has two full height windows and three patio doors that overlook his garden; the floor height of this building was more than three feet higher than the original ground level at his fence, meaning that anybody standing on the floor of the building and looking out will have a clear, unobtrusive view over his garden over the top of his six foot fence. This would have a significant effect on his amenities and future use of the garden and outside eating area. It was not, as stated by the case officer, just like looking over a normal fence.

He objected to the first application for a gym, under permitted development, on the basis of overlooking windows, and was told by a senior enforcement officer that if the application had been an application for full planning permission these overlooking windows would not have been allowed.

Then there was another application for a certificate of lawfulness, which he also opposed, and this was backed by a refusal from the Planning department for several reasons, and the building was deemed unlawful as it still was today.

Now, three months later, there was another application for full planning for the same building with the same windows and the same roof.

Mr Frederick Andy, a neighbour, spoke in objection to the application with concerns about the amount of grass and land that has been taken up, leaving very little grass and the area was diminished greatly. The animals that he used to feed no longer come to him because it has all been concreted over. The building in question was overbearing onto his property, with two rooflights in the window. If this received planning permission, it would be looking straight into his building. He felt insecure and

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was a blue badge disabled, registered vulnerable person. He has had plenty of intimidation from the applicant from day one when they started the building. The council was fully aware of what has been going on because he has made them aware. A set of plans were sent to him by mistake showing that this was never a gymnasium, which was what they had got permitted development for; it was started from day one as a two bedroom detached bungalow. He sent these plans to the Council, but nothing has ever happened. No one has come back to him as to why the Council has allowed this building to stand up.

He made parallels with the case of Captain Tom's daughter, where a building was at the moment, being demolished under the same basis; a property built without permission and that council were being taken to court to have it demolished. He stated that three applications have been objected to by the Council. If a future application was made for a separate site, this would impound traffic using Dorking Road. The single width driveway has already contributed to a big problem, and everybody has to back out.

Miss Stephanie Richards, the Agent, spoke in support of the application, stating that the family have resided on the property for many years and have sought to work proactively with the Council on this scheme, moving through the proper channels. They have been transparent from the start on wanting to convert the outbuilding into an annexe for their elderly parents. To clarify, the proposal sought to convert the existing outbuilding into ancillary residential accommodation. This was part-retrospective to account for minor design changes to roof form. It has been stated by objectors that the building itself was not Permitted Development and as reiterated in the Officer's report, this was irrelevant to the proposed application and the amended design was a material improvement over the former scheme. As the current application was 'part-retrospective' this sought to regularise the minor design change to the roof and has been assessed as such. Concerns related to the nature of the use, impact on character and residential amenity. Firstly, the Case Officer has deemed this acceptable in planning terms, for the nature and use, this was an ancillary building for residential accommodation, it has a clear physical tie to the main dwelling and was entirely subservient, whilst sharing access, curtilage, utilities and post address. The Officer has conducted numerous site visits with photographs to determine that there was no intention to create a separate residential unit. Therefore, this aspect could be dealt with through condition, so it remained in ancillary residential use. Any deviation from this would be a separate planning action and if there was any breach of such a condition in the future, Planning Enforcement would deal with it appropriately. Overall, this application cannot be assessed based on what could happen in the future. The Officer agreed stating that this can be secured through condition and any plans to change the use of the annexe, would have to be granted formal planning permission. Objectors have stated that this conflicts with the character of the area. The design alterations were reflective of the unique character of the borough and the main house. It was acknowledged the design alteration to the roof (crown) was not completely compatible, but it lowered the roof form and was sited out of view, obscured from the street, therefore the visual harm was minimal. It was concluded by the Officer that, there was no material harm to the character and appearance of the area. Objections that the building was imposing, overlooks and results in loss of light were unfounded. The building was subtly positioned in the garden and set back 1.8m from the shared boundary, which did not result in a dominant form. The single-storey building was effectively screened by trees and a 2m boundary fence, cumulatively these factors ensure there was no unacceptable degree of overlooking or overbearing. As shown in the Officer's report, the building was ancillary residential accommodation, it would not result in a significant change in traffic movements and there was generous provision

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available on site. The outbuilding was acceptable in planning terms. It was said with confidence, that this annexe would be used only for ancillary residential accommodation, even so the proposed condition provided the Council with control over its use.

Planning Officers confirmed that this building was bigger than normally allowed, under permitted development, but it was to be considered on its planning merits, not permitted development and therefore there was no size limit.

In response to the speakers' claims that no action had been taken by the Council, it was confirmed that this planning application was in response to complaints made and the actions of the Enforcement Officer.

Members were concerned that the existing fence had been temporarily extended upwards and that a permanent fence should be erected to the required height.

In response to Members concerns over the absence of downpipes, officers confirmed that this would be a civil matter, rather than a Planning matter.

Members were concerned that the building must remain an ancillary building and not be used as a separate dwelling, including use as an Air B&B.

**RESOLVED** that planning permission be **GRANTED** subject to conditions as per the recommendation and addendum, including changes to conditions as follows;

2. The development hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the main dwelling occupying the application site and not as a separate dwelling.

Reason: To ensure that the development is occupied as ancillary to the dwelling and in the interests of the residential amenities of the locality with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and DES3.

3. Boundary fence screening along the north and east plot boundaries shall be permanently retained and maintained at the same height as existing (to include the height of the bamboo screen on the northern fence line, at a minimum of 2.4 metres) and there shall be no variation to the height of the screening without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development does not affect the amenity of neighbouring properties by overlooking with regard to Reigate and Banstead Development Management Plan policy DES1.

### **83 Wray Common Conservation Area - Boundaries**

Councillor Stevens was not present for this item.

The Committee considered the proposed changes to Wray Common Conservation Area boundary.

It was explained that while the houses in the proposed area were already listed buildings, this did not carry statutory weight; inclusion in the Conservation Area would bring benefits such as demolition control, tree control, and greater examination of planning permission for proposed extensions to the properties.

**RESOLVED** that the changes to Wray Common Conservation Area boundary be **GRANTED**.

#### **84 Development Management Quarter 3 2023-24 Performance**

The Head of Planning introduced the Development Management Quarter 3 2023/24 Performance Report.

The following points were highlighted:

- 100% of major appeals had been dismissed.
- 100% of non-major appeals had been dismissed.
- 299 applications had been received which was an increase on Quarter 3 of the previous year.
- The nationally set planning application fee had increased on 6 December 2023, which was likely to have contributed to the rise in number of applications received in this period.
- Response times had been impacted by the increase in number of applications received and by staff leave over the Christmas period. Response times were anticipated to return to expected levels in Quarter 4.
- 100% of major applications and 81% of non-major applications had been determined within the required limit, although the average days to decision for the quarter had been above target, at 91 days, impacted by extensions of time.
- The Case Officer team remained impacted by one vacancy and one maternity absence.
- The Planning Officer vacancy had been filled.
- £60k in Central Government funding had been secured to assist with application processing, which may allow for an additional temporary contractor to be employed.
- The Government published its updated National Planning Policy Framework (NPPF) in December 2023. The update includes minor changes to decision making; the majority of the updates relate to plan-making functions.

In response to Member questions, the following clarifications were provided:

- All the appeals had been against decisions.
- Priority 1 enforcement related to irreparable damage, for example, damage to trees. There were three levels of enforcement, priorities 1-3. A training session was planned on priority enforcement.
- The £60k in Central Government funding was for the period of one year. A bid had been submitted for this funding. The intention was to use this funding to employ an additional Planning officer to work on the small backlog of applications.

The Chair thanked Planning officers.

**RESOLVED** that The Planning Committee noted the Development Management Quarter 3 2023/24 Performance Report.

#### **85 Any other urgent business**

There was no urgent business.

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The meeting finished at 9.53 pm