

**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 20 July 2023**

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**PRESENT -**

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Chris Ames (as nominated substitute for Councillor Kate Chinn), Neil Dallen, Julian Freeman, Bernie Muir, Phil Neale, Peter O'Donovan and Clive Woodbridge

Absent: Councillor Kate Chinn and Councillor Jan Mason

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Virginia Johnson (Principal Planning Officer), Alex Awoyomi (Solicitor), and Dan Clackson (Democratic Services Officer)

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**7 DECLARATIONS OF INTEREST**

23/00532/FUL Parkside House, Ashley Road, Epsom KT18 5BS

Councillor Neil Dallen, Other Interest: Stating that he believed items 4 and 5 of the agenda to be pertinent to the business of the Strategy and Resources Committee, Councillor Neil Dallen wished to declare that he was the Chair of the Strategy and Resources Committee. He confirmed that he maintained a clear and open mind.

**8 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 8 June 2023 and authorised the Chair to sign them.

**9 22/01537/FUL 12-16 HIGH STREET, EPSOM KT19 8AH**

The Committee received a presentation on the application from the Principal Planning Officer.

**Description:**

Extension and conversion of redundant upper floor office space to build 1 x 4-bed flat and 4 x studio flats.

**Officer Recommendation:**

To grant planning permission subject to conditions and informatives.

**Public Speaking:**

The Applicant spoke in favour of the application.

**Decision:**

Following consideration, Councillor Steven McCormick proposed that a condition be added requiring timber framed windows on the side elevation of the building, consistent with the design and character of those on the front elevation.

The proposal was seconded by Councillor Bernie Muir.

The Committee voted unanimously in favour of the proposal.

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

- a) Substantial harm to the Epsom Town Centre Conservation Area.
- b) Pedestrian and vehicular safety arising from likelihood of parking and deliveries on High Street.
- c) Inadequate and unsatisfactory refuse storage capacity and collection arrangements.
- d) Non-compliance with internal space standards for Flats 2, 3 and 4.

The proposal was seconded by Councillor Phil Neale.

The Committee voted (3 For, 5 Against, and the Chair not voting) against the proposal.

Following consideration, the Committee resolved (5 for, 3 against, and the Chair not voting) to:

**Grant planning permission subject to the following conditions and informatives:**

**Conditions:**

- (1) **Timescale:** The development hereby permitted shall be commenced within three years from the date of this decision.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) **Approved Plans:** Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the following approved plans:

- (1) Location and Block Plan numbered 969-A010A, dated 11 December 2020

- (2) Floor Plans numbered 969-A101F and 969-A102C (dated 19 August 2022), 969-A1919F (dated 14 July 2022), 969-A201L and 969-A301N and 969-A501K (dated 13 July 2023), 969-A401M (dated 18 July 2022)
- (3) Elevations numbered 969-701C and 969-A721F (dated 23 June 2023), 969-A711H (dated 19 July 2022), 969-A801C (dated 18 August 2022), 969-A802A (dated 10 June 2022) and 969-A506B (dated 23 June 2022)

**Reason:** For 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) **Construction Management Plan:** Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the Development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - d) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
  - e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
  - f) siting and design of temporary buildings;
  - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
  - i) Arrangements for deliveries, including routing, drop off locations and timing;
  - j) Routing of deliveries from the drop off point to the site;

- k) Measures to protect pedestrian flows and safety along the public footpath.

The development shall be carried out in accordance with the approved scheme and statement.

**Reason:** To ensure a satisfactory management of construction and deliveries in accordance with Policy CS16 of the Core Strategy 2007.

- (4) **Materials:** Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the extension (including but not limited to the green roof and green wall, doors, windows and bricks (bricks should be laid in English bond)) shall be submitted to and approved in writing by the local planning authority. The development is to be undertaken in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

- (5) **Cycle Parking:** Prior to the occupation of the development hereby permitted, final details of the cycle parking shall be submitted to and approved on writing by the local planning authority. The approved details shall be implemented prior occupation of the development and the storage shall thereafter be used for no purpose other than the parking of bicycles.

**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 Policies DM35 and DM37 of the Development Management Policies 2015.

- (6) **Compliance with the Ecology Report:** The development hereby permitted shall not be occupied until the biodiversity measures as outlined in Section 4 of the Ecology Report (Crossman Associates, ref: C1186.001 Issue 1, dated 6 June 2022) have been implemented in full. Thereafter, the measures are to be maintained for the life of the development.

**Reason:** To provide biodiversity benefits in accordance with Section 15 of the NPPF, Policy CS3 of the Core Strategy 2007 and Policies DM4 of the Development Management Policies 2015.

- (7) **Compliance with the Drainage Report:** The development hereby permitted shall not be occupied until the sustainable drainage measures as outlined in Section 5 of the Drainage Strategy (Urban Water, ref: 236 - Rev - V1) have been implemented in full. Thereafter, the drainage and management of the drainage measures are to be maintained for the life of the development.

**Reason:** To ensure the development does not increase flood risk on or off site and is maintained for the lifetime of the development in accordance with Section 15 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (8) **Triple glazing:** The development hereby permitted shall not be occupied until the rear openings, including windows and doors are fitted with triple glazing, and maintained thereafter for the life of the development.

**Reason:** To provide noise attenuation in accordance with paragraphs 130 and 157 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policies DM10 and DM12 of the Development Management Policies 2015.

- (9) **Obscure Glazing:** Prior to the occupation of the development hereby permitted, the western side of the third floor rear terrace is to be fixed with a privacy screen to 1.7m in height above finished floor level, either solid in form or glazed with obscure glass of no less than obscurity level and shall thereafter be permanently retained as such.

**Reason:** To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (10) **Provision of Bin Storage:** The development hereby permitted shall not be occupied until the bin storage has been provided in accordance with the approved plans. The storage shall thereafter be used for no purpose other than the storage of bins.

**Reason:** To ensure that the development provides sufficient bin storage and to ensure the safe and effective storage and collection of refuse and recycling in accordance with Policy CS5 and CS6 of the Core Strategy 2007.

- (11) **No Large HMO:** The permission does not allow for the use of the 4-bed unit to be occupied as a large House of Multiple Occupation (ie more than six occupants).

**Reason:** To protect the character of the area in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) **Timber Window Frames:** Prior to occupation of the building, all windows to the front and northern side elevation of the building shall comprise timber frames, consistent with the design and character of those on the front elevation.

**Reason:** To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

**Informatives:**

- (1) **Refuse and Recycling Collection:** It will not be appropriate to collect bins from the High Street, due to the location clashing with a significant, busy traffic junction that would be unacceptably impacted by a waiting bin collection vehicle. Therefore, the collection vehicle would have to park behind the property (accessed via the roadway past the NCP Ebbisham Car Park).
- (2) **Materials:** The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Sections 131, 148, 149).
- (3) **Damage:** Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
- (4) **Public Obstruction:** The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (5) **Positive and Proactive Discussion:** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (6) **Building Control:** Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (7) **Working Hours:** When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all

vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

- (8) Party Wall Agreement:** The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to carry out work to an existing party wall; build on the boundary with a neighbouring property or in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet.

- (9) Protected Species:** The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.
- (10) Archaeological Artifacts:** In the event of any archaeological artifacts are found on site during the construction phase, the applicant is advised to stop work and contact the SCC Archaeology Team for further advice on 0345 600 9009.
- (11) Changes to the Approved Plans:** Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

**10** 23/00532/FUL PARKSIDE HOUSE, ASHLEY ROAD, EPSOM KT18 5BS

The Committee received a presentation on the application from the Principal Planning Officer.

**Description:**

Change of use to dual use Office (Use Class E (g)(i)) and Education (Use Class F1(a)) and associated works.

**Officer Recommendation:**

To grant planning permission subject to conditions and informatives.

**Public Speaking:**

The Agent Spoke in favour of the application.

**Decision:**

Following consideration, the Committee unanimously resolved to:

**Grant planning permission subject to the following conditions and informatives:**

**Conditions:**

- (1) The development hereby permitted shall begin 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 2004.

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

630439.01 – Site Location Plan

630439.02 - Existing Site Plan

630439.04 – Existing Lower Car Park Plan

630439.06 - Existing Upper Car Park Plan

630439.08 - Existing Ground Floor Plan

630439.10 - Existing First Floor Plan

630439.12 – Existing Second Floor Plan

630439.14 – Existing Elevation 1

630439.16.17 – Existing Elevation 2 and 3

630439.20 – Existing Elevation 4

630439.03 – Proposed Site Plan

630439.05 – Proposed Lower Car-Park

630439.07 – Proposed Upper Car-Park



630439.09 – Proposed Ground Floor Plan

630439.11 – Proposed First Floor Plan

630439.13 – Proposed Second Floor Plan

630439.15 – Proposed Elevation 1

630439.18.19 - Proposed Elevation 2 and 3

630439.21 – Proposed Elevation 4

**Reason:** For avoidance of doubt and in the interests of proper planning 4.

- (3) The dual Office (Class E (g)(i)) and Education (Class F1(a)) hereby permitted, under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), shall be limited for a period of 10 years from the date of this decision. The use of the building at the time of the expiry of the 10-year period shall become the established use of the building. Any further change of use after that period shall require a further planning permission.

**Reason:** In order to provide greater flexibility to the use of the building and to clarify the lawful uses hereby permitted and to clarify the criteria relating to this permission

- (4) Works related to the construction of the development hereby permitted, including works of 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

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015

- (5) (a) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking areas shall be retained and maintained for their designated purposes

(b) The existing vehicle parking (and turning) area at the premises (as shown on the existing site plan, the existing upper car park and the existing lower car park (dated 04 May 2023) shall be permanently retained and maintained for their designated purpose

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users namely pedestrians and

cyclists and to satisfy policies DM35, DM36 and DM37 of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (6) The development hereby approved shall not be occupied unless and until at least 23 car parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the approved proposal by the Local Planning Authority.

**Reason:** In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (7) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure parking of bicycles. All cycle parking should be secure, covered and lit. Thereafter the parking areas shall be retained and maintained to the satisfaction of the Local Planning Authority. Furthermore, an Electric Charging Point nearby to any bicycle parking to increase the take up of electric bicycles and to be in line with recent SCC parking guidance released in February 2023 shall be installed prior to first occupation and maintained thereafter.

**Reason:** In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (8) The development shall accord with the Flood Risk Assessment, Lustre, dated April 2023, including its mitigation measures and recommendations, for the entirety of the development.

**Reason:** To prevent an increased risk of flooding, to prevent pollution of the water environment and to ensure principles of sustainable drainage are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015

- (9) On collection days, refused and recycling bins serving the development must be sited for collection within six metres of the vehicular entrance.

**Reason:** In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007), Policy DM10 and DM12 of the Development Management Policies 2015 and '*Guidance on the storage and collection of household waste*' (dated November 2018)

#### **Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts.

A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

- (3) Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to: carry out work to an existing party wall, build on the boundary with a neighbouring property and in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet.

- (4) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (5) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

- (6) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (8) The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway.

11 23/00488/FUL THE WELLS, 3 - 13 CHURCH STREET, EPSOM KT17 4PF

The Committee received a presentation on the application from the Principal Planning Officer.

**Description:**

Change of use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works.

**Officer Recommendation:**

To grant planning permission subject to conditions and informatives.

**Public Speaking:**

The Agent Spoke in favour of the application.

**Decision:**

In the interest of sustainability, Councillor Phil Neale proposed that a condition be added requiring that solar panels to be mounted on the building prior to occupation of the building.

The proposal was seconded by Councillor Julian Freeman.

The Committee voted (3 for, 4 against, 1 abstention, and the Chair not voting) against the proposal.

Following consideration, the Committee resolved (7 for, 1 abstention, and the Chair not voting) to:

**Grant planning permission subject to conditions and informatives.**

**Conditions:**

- (1) The development hereby permitted shall begin 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 2004.

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

630438.01 – Site Location Plan

630438.02 - Existing Site Plan

630438.04 - Existing Basement Plan

630438.06 - Existing Ground Floor Plan

630438.08 - Existing First Floor Plan

630438.10 - Existing Second Floor Plan

630438.12.13 - Existing Elevations 1 and 2

630438.16.17 - Existing Elevations 3 and 4

630438.20.21 - Existing Section A-A and B-B

630438.24.25 - Existing Section C-C and D-D

630438.03 - Proposed Site Plan

630438.05 - Proposed Basement Plan

630438.07 - Proposed Ground Floor Plan

630438.09 - Proposed First Floor Plan

630438.11 - Proposed Second Floor Plan

630438.14.15 - Proposed Elevations 1 and 2

630438.18.19 - Proposed Elevations 3 and 4

630438.22.23 - Proposed Section A-A and B-B

630438.26.27 - Proposed Section C-C and D-D

**Reason:** For avoidance of doubt and in the interests of proper planning 4

- (3) The building(s) hereby permitted shall be used for education/teaching space, Use Class F1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

- (4) Works related to the construction of the development hereby permitted, including works of 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.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015

- (5) The development shall accord with the Flood Risk Assessment, Lustre, dated April 2023, including its mitigation measures and recommendations, for the entirety of the development.

**Reason:** To prevent an increased risk of flooding, to prevent pollution of the water environment and to ensure principles of sustainable drainage are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015

- (6) The existing vehicle parking (and turning) area at the premises shall be permanently retained and maintained for their designated purposes

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

- (7) The development hereby approved shall not be occupied unless and until at least 10 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

- (8) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:
- a) The secure parking of bicycles within the development site
  - b) Facilities within the development site for cyclist to change into and out of cyclist equipment/shower
  - c) Facilities within the development site for cyclists to store cyclist equipment

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts.

A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

- (3) Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to: carry out work to an existing party wall, build on the boundary with a

neighbouring property and in some circumstances, carry out groundworks within 6 metres of an adjoining building.

- (4) Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet
- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offender (Highways Act 1980 Sections 131, 148, 149)
- (7) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (8) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm



**12** 22/01518/FUL MAJESTIC WINE WAREHOUSES LTD

The Committee received a presentation on the application from the Principal Planning Officer. The Officer wished to highlight an error in the text of paragraph 28.16 of the report, explaining that the word 'not' should be removed in order for the paragraph to read as follows:

*28.16 Overall, the adverse effects in respect of this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.*

She explained that this would be consistent with paragraph 3.16 of the report.

**Description:**

Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping.

**Officer Recommendation:**

To agree that the Planning Inspectorate be informed that the Local Planning Authority would have refused permission.

**Decision:**

Councillor Clive Woodbridge proposed that the wording of the reason for refusal '(1) Harm to the Character of the Area', be updated to include reference to Policy E15 of Epsom Town Centre Area Action Plan 2011 with respect to the Committee's concerns regarding the application's impact on the future development of the utility site as part of the Draft Local Plan, and to the fact that the development would frustrate the Council's plans for the Town Centre area.

The proposal was seconded by Councillor Phil Neale.

The Committee voted (6 for, 1 against, 1 abstention, and the Chair not voting) in favour of the proposal.

Following consideration, the Committee unanimously resolved to:

**Agree that the Planning Inspectorate be informed that the Local Planning Authority would have REFUSED permission for the following reasons:**

**Reasons:**

- (1) Harm to the Character of the Area:** As a result of its overall layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly

dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policy E15 of Epsom Town Centre Area Action Plan 2011 and Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015.

- (2) **Harm to Existing Trees:** It has not been sufficiently demonstrated that the proposal development, as a result of its layout and scale, would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.

Furthermore, the layout and scale of the proposed development prevents any meaningful landscaping on the site, particularly to the rear, to the detriment of the emerging verdancy of the area. It has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

- (3) **Harm to Neighbour Amenity:** The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, resulting in dark and gloomy accommodation that would create significant and unacceptable effects on the occupier's amenity. As such, the proposal would fail to comply with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015.

- (4) **Lack of Car Parking:** In the absence of details and robust justification demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, it has not been adequately demonstrated that the level of parking proposed can be achieved and there would not be adverse impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Section 12 of the National Planning Policy Framework 2021 and Policy DM37 of the Development Management Policies Document 2015.

#### **Informatives:**

- (1) The plans relating to this application are as follows:

Drawing Number 2303-X01-A

Drawing Number 2303-P01

Drawing Number 2303-P02

Drawing Number 2303-P03

Drawing Number 2303-P04

Drawing Number 2303-P05

Drawing Number 2303-P06

Drawing Number 2303-P07

Drawing Number 2303-P08

Drawing Number 2303-P09

Drawing Number L001 P02

Drawing Number L002 P01

Drawing Number SP02 Rev C

- (2) In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Documents and other informal written guidance, as well as offering a full pre-application advice service.

### 13 PLANNING APPEALS REPORT

The Committee received and noted the report setting out the planning appeal decisions relating to non-householder developments received by the Planning Service.

*The meeting began at 7.30 pm and ended at 9.40 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)