

## Minutes of the Meeting of the PLANNING COMMITTEE held on 5 November 2020

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### PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Clive Smitheram (Vice-Chair); Councillors Alex Coley, Neil Dallen, David Gulland, Previn Jagutpal (Present for Items 1-4 only.), Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Phil Neale and Peter O'Donovan (Present for Items 1-3 and 5-6 only)

Absent: Councillor Monica Coleman

Officers present: Viv Evans (Interim Head of Planning), Tom Bagshaw (Planner), Steven Lewis (Planning Development Manager), John Robinson (Senior Planner), Danny Surowiak (Principal Solicitor), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

### 11 DECLARATIONS OF INTEREST

The following declarations were made in relation to items of business at the meeting:

Councillor Steven McCormick: In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of the Woodcote Epsom Residents Society and Epsom Civic Society. He stated that he came to the meeting with an open mind.

24 Danetree Road West Ewell Surrey KT19 9RZ

Councillor Peter O'Donovan, Other Interest: In the interests of openness and transparency, Councillor Peter O'Donovan declared that Item 4 of the Agenda relates to his own property, and that he would exit the meeting when this Item is heard by the Committee.

29 Horsley Close, Epsom, Surrey, KT19 8HB

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he knows the Applicant of Item 5. He stated that this is not a prejudicial position so he will remain present for the duration of this Item.

29 Horsley Close, Epsom, Surrey, KT19 8HB

Councillor Previn Jagutpal, Other Interest: In the interests of openness and transparency, Councillor Previn Jagutpal declared that Item 5 of the Agenda is an application in relation to a family member, and that he would exit the meeting when this Item is heard by the Committee.

12 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Planning Committee held on 8 October as a true record and the Committee authorised the Chair to sign them.

13 140 & 142 RUXLEY LANE WEST EWELL KT19 9JS

Description

Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.

Decision

The Committee noted a presentation from the Senior Planning Officer.

A statement was read out on behalf of an objector to the Application.

The following points were raised by the Committee:

**Housing:** Members noted the shortage of housing within the Borough and how the proposed development would be of benefit in fulfilling need. Members raised concerns regarding the number of proposed houses being offered as affordable.

**Character of building:** Members noted concerns regarding the proposed residential development. Members noted the colouring and materials of the proposed development and spoke about whether it may be out of character of the surrounding buildings.

**Sustainability of location:** Members noted the sustainability of the location, including its proximity to a number of schools and local bus routes. It was noted that some of these bus routes did not pass by the site directly, and required a short journey to reach them. Members also noted the Traffic Safety Report that had been completed

**Density:** Members noted concerns regarding the proposed housing density, sitting in excess of the 40 units per hectare as set out in DM11. It was noted that this may be seen as a possible overuse of site.

**Amenity space:** Members raised concerns with the amenity space of the proposed development, and noted that not all of the proposed housing units would meet the standard of amenity space.

A refusal was proposed by Councillor Steven McCormick. This was seconded by Councillor Jan Mason. The reasons for refusal were based on concerns raised by the Committee relating to:

- Noncompliance with policies DM 9 and DM 10 relating to size, scale and character of building against the local area.

- Noncompliance with CS 5 – Failure to reinforce distinctiveness of local area.

Following consideration it was resolved with 9 Members voting for, 1 Member voting against, 2 abstentions and the Chair not voting that:

The Application be **REFUSED** based on the following reasons:

- The proposed development by reason of its design, scale, and massing, gives rise to an unacceptably cramped and over-developed layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character, and local distinctiveness of the local area. The proposal is contrary to para 127 (c) of the NPPF, Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.

Should the item reach an appeal and conditions be requested, Members requested an amendment to:

Condition:

(11) No development shall commence until a Construction Transport Management Plan, to include details of:

(h) No HGV movements to or from the site shall take place between the hours of 8.15 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane during these times.

Members noted the importance of this condition detailing that construction traffic be timed in line with the opening hours of local schools. The Officer agreed to make note of this in their response in an appeal submission.

**14**      **24 DANETREE ROAD WEST EWELL SURREY KT19 9RZ**

Description

Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope (Application for a certificate of Lawfulness for a Proposed Development).

Decision

The Committee noted a presentation from the Planning Officer.

Following consideration, the Committee resolved unanimously that:

A Lawful Development Certificate is **GRANTED**, taking into account the following:

Informative(s):

- (1) A Certificate of Lawful Development is granted for the following reason:  
The proposed development is Permitted Development under Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- (2) This decision relates to the following drawings:  
  
1113 - S-100- Site Location and Block Plan – 08/09/2020  
  
1113-E-100 Rev 06 – Elevation Plans – 02/09/2020  
  
1113-L-101 Rev 06- Floor Plans – 02/09/2020.
- (3) Class A (The enlargement, improvement or other alteration of a dwellinghouse.) Conditions Development is permitted by Class A subject to the following conditions—
  - (a) Materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
    - (i) obscure-glazed, and
    - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
  - (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse
- (4) Class B (additions etc to the roof of a dwellinghouse) Conditions Development is permitted by Class B subject to the following conditions—
  - (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) The enlargement must be constructed so that—
    - (i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far

as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —

(i) Obscure-glazed, and

(ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

(5) Class C (Other alterations to the roof of a dwellinghouse) Condition Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

(6) 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. If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).

(7) You have been granted permission to build a residential extension. When undertaking demolition and/or 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.

**15** 29 HORSLEY CLOSE, EPSOM, SURREY, KT19 8HB

## Description

Change of use of a residential dwelling (use Class C3) to an 8 bedroom house in Multiple Occupation (HMO). The proposed changes would include the insertion of a side triangular window to the first floor bedroom 6 and 2 rooflights on the side roofslope of the property.

## Decision

The Committee noted an introduction from the Planning Officer.

The following points were raised by the Committee:

**Parking spaces:** Members raised concerns regarding the number of available parking spaces. Members noted the available road parking nearby, and that the Highways Assessment found this acceptable.

Following consideration, the Committee resolved unanimously that:

Planning Permission is **GRANTED** subject to the following:

Condition(s):

- (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 2004.**

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

1546 Drg. No. 01 [dated August 2020] - Existing and Proposed Drawings

**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.

**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 physical works hereby granted planning permission to bedrooms 2 and 6 as shown on the approved plans shall be completed prior to the

occupation of those bedrooms. If bedrooms 2 and 6 are occupied the all physical works shall be completed within 3 months of the date of this approval. All of the proposed physical works relating to this application shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (6) Before any occupation of the development hereby permitted, any windows above ground floor level on the roof slope of the north elevation and the rear facing triangular window on the north elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

**Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (7) The development hereby approved shall not be first occupied unless and until facilities have been provided for the secure parking of a minimum of 8 bicycles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

**Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.**

Informative(s):

- (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) You have been granted planning permission to build a residential extension. When undertaking demolition and/or 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.
- (4) 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;
  - 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".

**16 MONTHLY REPORT ON PLANNING APPEALS DECISION AND HOUSING NUMBERS**

The Committee noted the appeal decisions from 15 September 2020 to 12 October 2020.

*The meeting began at 7.30 pm and ended at 9.48 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)