

**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber,
Epsom Town Hall on 10 March 2022**

PRESENT -

Councillor Steven McCormick (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn, Nigel Collin, Neil Dallen, Previn Jagutpal, Jan Mason, Julie Morris, Lucie McIntyre, Phil Neale and Humphrey Reynolds

Absent: Councillor Monica Coleman and Councillor Clive Smitheram

Officers present: Justin Turvey (Planning Development Manager), Gemma Paterson (Principal Planning Officer), Euan Cheyne (Planning Officer), Lidia Harrison (Legal Officer) and Stephanie Gray (Democratic Services Officer)

32 DECLARATIONS OF INTEREST

Declarations of Interest

Councillor Kate Chinn, Other Interest: In the interests of openness and transparency, Councillor Kate Chinn declared that all Councillors had received correspondence regarding Item 4 on the agenda but that she came to the meeting with a clear and open mind.

Declarations of Interest

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of the Epsom & Town Ward Residents' Association and the Epsom Civic Society, but that he came to the meeting with a clear and open mind.

Declarations of Interest

Councillor Nigel Collin, Other Interest: In the interests of openness and transparency, Councillor Nigel Collin declared that he had received correspondence relating to items on the agenda but that he came to the meeting with a clear and open mind.

Declarations of Interest

Councillor Nigel Collin, Other Interest: In the interests of openness and transparency, Councillor Nigel Collin declared that he is the Borough Heritage Champion.

Declarations of Interest

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency, Councillor Steven McCormick declared that all Councillors had received correspondence on Item 3 (101-117 East Street) and Item 4 (Land Rear of 23A to 33 Links Road), but that they came to the meeting with a clear and open mind.

Declarations of Interest

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of the Epsom

& Town Ward Residents' Association, the Epsom Civic Society, the Epsom & Ewell Tree Advisory Board, Epsom Rotary and the Surrey Tree Wardens Network.

33 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Committee held on 17 February 2022 were agreed as a true record and signed by the Chair.

34 107-111 EAST STREET, EPSOM, KT17 1EJ

Description

Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage

Decision

Following consideration, it was resolved (7 in favour, 3 against, 0 abstaining and the Chair not voting) that the application be **REFUSED** for the following reasons:

1. The proposed rear access road, by reason of its layout and the proposed vehicular access arrangements, would give rise to highway and pedestrian safety issues, in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) and guidance contained within the National Planning Policy Framework (2021).

2. The proposal would fail to provide an appropriate level of on-site car parking resulting in harm on the amenities of surrounding residential occupiers' in terms of streetscene and availability of on-street car parking. The proposed 16 on-site car parking spaces would not meet the minimum parking standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015), in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015), and guidance contained within the National Planning Policy Framework (2021).

3. The proposal, by reason of its bulk, mass and density, would adversely impact and harm the character and appearance and visual amenities of the surrounding area, in conflict with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness), DM10 and Policy DM10 (Design Requirements for New Developments (including House Extensions)) and Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) and guidance contained within the National Planning Policy Framework (2021).

4. In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure an affordable housing contribution, the applicant has failed to comply with Policy CS9

(Affordable Housing and meeting Housing Needs) of the LDF Core Strategy (2007).

35 LAND REAR OF 23A TO 33 LINKS ROAD, EPSOM

Description

Erection of three dwellings with associated access, parking, landscaping and other minor ancillary development

Decision

The Committee received a presentation from the Planning Officer.

Following consideration, the Committee resolved (7 in favour of approval, 2 in favour of refusal, 1 abstention and the Chair not voting) to **APPROVE** the application subject to the following conditions:

CONDITION(S):

(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:

405(PL)00 Location Plan

405(PL)02 Proposed Ground Floor Site Plan

405(PL)03 Proposed First Floor Site Plan

405(PL)04 Proposed Roof Level Site Plan

405(PL)05 Proposed Ground Floor GA Plans

405(PL)06 Proposed First Floor GA Plans

405(PL)07 Proposed Elevations – Unit 1

405(PL)08 Proposed Elevations – Unit 2

Preliminary Ecological Appraisal Phase 1 Habitat Assessment

Ecological Statement

Arboricultural Implications Report and Method Statement

Energy and Sustainability Statement

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

(3) Prior to above ground works, details and samples of all external materials (including boundary treatment) to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

(4) Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

(5) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area/ in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

(6) Prior to above ground works, details of a scheme of hard and soft landscaping (to include size and species of new mature tree planting) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10

(Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

(7) The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable area within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

(8) No part of the development shall be first occupied unless and until the proposed modified vehicle access has been constructed using a permeable bound material in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

(9) No part of the development shall be first occupied unless and until the proposed pedestrian access has been constructed in accordance with Dwg No. 405 (PL) 02 Rev C.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

(10) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with Dwg No. 405 (PL) 02 Rev C 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 and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policies DM35 (Transport and New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

(11) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of 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 LDF Development Management Policies Document (2015).

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

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) provision of boundary hoarding behind any visibility zones;
- (e) measures to prevent the deposit of materials on the highway;
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
- (g) on-site turning for construction vehicles (or measures for traffic management)

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during construction of the development.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

(13) The development hereby approved shall not be occupied until details of the refuse and recycling facilities for the occupants of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory refuse and recycling facilities in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

(14) Prior to commencement of the development (other than ground works and access construction) a Tree Protection Plan and Method Statement in accordance with British Standard 5837:2012 (or later revision) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition,

nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of visual amenities in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM5 (Trees and Landscape) and DM9 (Townscape Character and Local Distinctiveness) of the LDF Development Management Policies Document (2015).

(15) The development hereby approved shall be carried out in accordance with the submitted Arboricultural Implications Report. A completed schedule of site supervision inspection and monitoring of the arboricultural protection measures shall be submitted to and approved in writing by the Local Planning Authority within 28 days from completion of the development hereby approved. This condition may only be fully discharged on completion of the development, subject to satisfactorily written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout the construction by a suitably qualified and pre-appointed tree specialist.

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

(16) Prior to above groundworks a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Statement [prepared by The Ecology Co-op Environmental Consultants] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

(17) The native wildflower green roof planting shall be maintained for 10 years and any planting which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve and enhance biodiversity in accordance with Policies DM10 Design Requirements for New Developments (including House Extensions) and DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

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) 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 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".

(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. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

(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 offenders. (Highways Act 1980 Sections 131, 148, 149).

(7) Section 59 of the Highways Act 1980 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.

36 21/01406/FUL 140 - 142 RUXLEY LANE, WEST EWELL, SURREY, 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 Principal Planning Officer.

The application had been appealed on the basis of non-determination. Members would be considering whether they would have refused the proposal or if they would have approved the proposal.

Following consideration, the Committee resolved with 10 members voting in favour of refusal, none against and no abstentions, and the Chair not voting, that the application would have been **REFUSED** on the following grounds:

- (1) As a result of its overall scale and design, the proposed development would represent an overdevelopment of the site and cause significant visual harm to the character and appearance of the area.
- (2) The proposed development would not meet the minimum space standards for residential accommodation and would not provide adequate outdoor private amenity space failing to deliver a high standard of amenity and resulting in inadequate living conditions to the detriment of future occupiers.

- (3) The proposed development would cause significant harm to the private amenities of the occupiers of surrounding properties by way of off loss of light, loss of outlook and loss of privacy.
- (4) The Council currently does not have a 5 year housing land supply. This means that the “presumption in favour of sustainable development” (paragraph 11 of the NPPF) (Also known colloquially as the ‘tilted balance’) is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF 2021 as a whole. Overall, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The meeting began at 7.30 pm and ended at 10.32 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)