

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 13 February 2025

PRESENT -

Councillor Steven McCormick (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman, Jan Mason, Bernie Muir, Phil Neale, Humphrey Reynolds and Chris Watson

In Attendance: Councillor John Beckett (for items 1-4)

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Angela Watson (Senior Solicitor) and Phoebe Batchelor (Democratic Services Officer)

43 DECLARATIONS OF INTEREST

9 And 10 Kirby Close, Ewell KT19 0PW – Agenda Item 4

Councillor Kate Chinn, Other Interest: Councillor Kate Chinn declared that she had received correspondence from the developer for the Kirby Close site. Councillor Kate Chinn stated that all members of the committee had received the same correspondence. She stated that she remained unbiased and maintained an open mind.

Councillor Bernie Muir, Other Interest: Councillor Bernie Muir declared that she had also received correspondence from the developer for the Kirby Close site. She stated that she remained unbiased and maintained an open mind.

Councillor Steven McCormick, Other Interest: The Chair, Councillor Steven McCormick, declared that he had also received correspondence from the developer for the Kirby Close site. He stated that he remained unbiased and maintained an open mind.

44 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 7 November 2024 and authorised the Chair to sign them.

45 24/01360/FUL - EWELL DOWNS ROAD, EWELL

Description:

Installation of a roadside CCTV system.

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

The Committee received a presentation on the application from the Planning Development and Enforcement Manager.

Decision:

Following consideration, the Chair, Councillor McCormick, proposed a motion that the Officer recommendation be agreed.

The proposal was seconded by the Vice Chair, Councillor Woodbridge.

The Committee unanimously resolved 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 Location Plan (received 26 November 2024), Block Plan (received 18 November 2024), associated outline explanatory document and elevation on page 6 (received 25 January 2025).

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) Materials

The materials to be used shall accord with those indicated with the approved documents, including the use of metal poles (black in colour at the northern and southern entrances and dark green on the roundabout and The Green) and dark green electricity cabinets, 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.

4) Removal of CCTV and associated infrastructure

When the CCTV and/or associated poles and cabinets are no longer used for their approved purpose or a deactivated, they must be removed as soon as reasonably practicable and no later than 3 months after ceasing use.

Reason: To ensure a satisfactory appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

Informatives

1) 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.

2) 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.

46 24/01462/FUL - 9 AND 10 KIRBY CLOSE, EWELL KT19 0PW

Description:

Demolition of existing dwellings and construction of 4 x 3 bed residential dwellings with associated parking and landscaping.

Officer Recommendation:

Refusal.

Officer Presentation:

The Committee received a presentation on the application from the Planning Development and Enforcement Manager.

Public Speaking:

The Ward Councillor who called in the application spoke.

Decision:

Following consideration, Councillor Dallen proposed a motion to add an additional reason for refusal, alongside the reason set out in the report;

‘Due to the excessive two storey form and the overall mass in bulk and scale, the proposed development results in unacceptable harm to the wider character and street scene of Kirby Close, contrary to section 12 of the National Planning Policy Framework 2024, Policy CS5 of the Core Strategy 2007, and Policies DM10 and DM11 of the Development Management Policies Document 2015,’

The proposal was seconded by Councillor Neale.

The Committee voted (4 for, 5 against, and the Chair not voting) and the motion was lost.

Following further consideration, the Chair, Councillor McCormick, proposed a motion that the Officer recommendation be agreed.

The proposal was seconded by the Vice Chair, Councillor Woodbridge.

The Committee resolved (5 for, 4 against, and the Chair not voting) to;

REFUSE planning permission for the following reason:

1) Harm to Protected Species

The submitted preliminary ecological assessment has concluded that the existing dwellings offer habitat value for bats, necessitating the submission of a Phase II bat survey. In the absence of such information, it has not been satisfactorily demonstrated that the proposal would not have an adverse impact on protected species that may be occupying the site, to which the mitigation measures do not adequately compensate.

The proposal is therefore contrary to Policies CS1 and CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015, Section 15 of the National Planning Policy Framework 2023 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

Informatives

1) Refused Plans

This decision is in relation to the plans numbered 0002 Rev P2, 0003 Rev P2 and 3000 Rev P2, received by the local planning authority on 3 December 2024 and plans numbered 3001 Rev P1, 3100 Rev P1, 3101 Rev P1, 3200 Rev P1,

3201 Rev P1, 3202 Rev P1, received by the local planning authority on 18 November 2024.

2) 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.

47 PLANNING PERFORMANCE REPORT

The Committee received and noted a report providing a summary of Planning Performance by quarter.

The following matters were considered:

- a) **Positive Report.** The Vice Chair expressed thanks to the Planning Team, and commended officers for the considerable improvement and positive report. These comments were echoed by several members. The Chair acknowledged the significant work done by the Council with officers to meet the targets.

48 ENFORCEMENT PERFORMANCE REPORT

The Committee received a report providing a summary of incoming and closed enforcement cases by month.

The following matters were considered:

- a) **Additional information.** A Member of the Committee raised that they would like additional information added to the report, to make clear when enforcement cases were originally opened and to summarise context behind individual cases and allocate tiers to each case. The Chair noted the comments. The Chair invited the Member to share their requests so they could be actioned for future enforcement reports. The Chair confirmed that if the data is available, it will be brought to the Committee in the monthly reports.
- b) **Thanks.** A Member of the Committee wished to congratulate and thank the officers for their work and stated they were pleased to see things are moving in the right direction. These comments were echoed by the Vice Chair.

49 APPEALS PERFORMANCE REPORT

The Committee received and noted a report providing a summary of all planning appeal decisions and current appeals.

The following matters were considered:

- a) **Appeals.** A Member of the Committee commended the appeal results set out in the report. This comment was echoed by the Chair.

50 UPCOMING APPLICATIONS

The Committee received and noted a report providing a summary of likely applications to be heard at Planning Committee.

The following matters were considered:

- a) **Notification of Former Gas Holder Station site.** A Member of the Committee raised that residents living near the Former Gas Holder Station site, had not received notification or been consulted on the proposed application, and asked if notification was still due to come. The Planning Development and Enforcement Manager informed the Committee that notification has been sent out, to roughly 1200 homes in the surrounding area of the site. The Chair invited the Member to share the address of the resident who has not received notification, so it can be reshared with them.
- b) **48 The Avenue.** A Member of the Committee asked for clarification as to whether permission could be withheld from developers who are in breach of planning conditions on other sites. The Principal Solicitor informed the Committee that they cannot refuse to determine or accept an application on the basis of the behaviour of the applicant. The Principal Solicitor noted that the only exception would be if the Council has already served an enforcement notice.
- c) **Site Visit.** A Member of the Committee asked if there could be site visit to McKenzie Way before the application is heard at Committee. The Chair confirmed that a site visit would be arranged.
- d) **Former Gas Holder Station site.** The Chair informed the Committee that he would not be chairing the meeting during the Former Gas Holder Station site application, and the Vice Chair would be chairing that application instead.

The meeting began at 7.30 pm and ended at 9.04 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)