

## Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 8 February 2024

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### PRESENT -

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

In Attendance: Councillor Kieran Persand (Items 37 - 41 only)

Absent: Councillor Peter O'Donovan

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Virginia Palmer (Principal Planning Officer), George Smale (Planning Officer), Angela Watson (Senior Solicitor) and Dan Clackson (Democratic Services Officer)

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### 37 DECLARATIONS OF INTEREST

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Neil Dallen, Other Interest: In the interest of transparency, Councillor Neil Dallen wished to state, with respect to the fact that the land on which hobbledown is located is owned by the Council, that he was the Chair of the Strategy and Resources Committee. He stated that he maintained an open mind.

### 38 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 11 January 2024 and authorised the Chair to sign them.

### 39 HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

#### **Description:**

Construction of a Lemur enclosure, including an entrance structure (retrospective).

#### **Officer Recommendation:**

Approval, subject to conditions and informatives.

#### **Officer Presentation:**

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

**Public Speaking:**

The Ward Councillor who called-in the application spoke on the application.

A member of the public spoke in objection to the application. The member of the public had also registered to speak in objection to the other two Hobbledown applications on the agenda - with the permission of the Chair, the member of the public also spoke in objection to the other two applications at this time.

**Decision:**

Following consideration, Councillor Bernie Muir proposed a motion that the Officer recommendation be amended by way of an additional condition, as follows:

The animal shelter hereby approved on the plan numbered 006 Rev B shall be used solely for the keeping of animals and shall be removed from the land when no longer required for that purpose and the land restored to its condition before the development took place within one month of the use ceasing.

Reason: The building hereby permitted would constitute inappropriate development in the Green Belt were it not for the proposed use and removal would be required to protect the long-term openness of the area in accordance with Sections 12 and 13 of the National Planning Policy Framework 2023, Policies CS2 and CS5 of the Core Strategy 2007 and Policies DM3, DM10 and DM26 of the Development Management Policies Document 2015.

The proposal was seconded by Councillor Jan Mason.

The Committee voted (8 for, and the Chair not voting) in favour of the motion.

Councillor Bernie Muir proposed a motion that the Officer recommendation be amended by way of an amendment to condition 3, as follows:

A scheme to enhance the biodiversity interest of the site shall be submitted to the local planning authority within one month of the date of this decision. Details shall include the vegetation (hedgerows and trees) that were removed to accommodate the development hereby permitted and a schedule and plan of replacement planting. Enhancement shall be measured against the baseline prior to the removal of vegetation to accommodate the development hereby permitted. The scheme shall be implemented in full as approved within the next planting season (or as otherwise agreed in writing with the local planning authority) and thereafter maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

The proposal was seconded by Councillor Jan Mason.

The Committee voted (5 for, 2 against, 1 abstaining, and the Chair not voting) in favour of the motion.

The Vice-Chair proposed a motion that the Officer recommendation be amended by way of removal of condition 2, as the condition was not required or workable due to that fact it referred to works to be done prior to occupation, which did not apply in the case of the development in question. The proposal was seconded by Councillor Neil Dallen.

Subsequently, the Committee voted (7 for, 1 abstaining, and the Chair not voting) in favour of the motion.

Councillor Neil Dallen proposed a motion that the Officer recommendation be agreed, subject to the agreed amendments. The proposal was seconded by Councillor Clive Woodbridge.

The Committee resolved (4 for, 4 against, and the Chair exercising his casting vote in favour of the application) to:

**GRANT planning permission subject to the following conditions and informatives.**

**Conditions**

(1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 006 Rev B, received by the local planning authority on 10 November 2023 and document of Lemur Enclosure entrance/Exit Structure, received by the local planning authority on 31 January 2024.

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.

(2) Biodiversity enhancement measures

A scheme to enhance the biodiversity interest of the site shall be submitted to the local planning authority within one month of the date of this decision. Details shall include the vegetation (hedgerows and trees) that were removed to accommodate the development hereby permitted and a schedule and plan of replacement planting. Enhancement shall be measured against the baseline prior to the removal of vegetation to accommodate the development hereby permitted. The scheme shall be

implemented in full as approved within the next planting season (or as otherwise agreed in writing with the local planning authority) and thereafter maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (3) The animal shelter hereby approved on the plan numbered 006 Rev B shall be used solely for the keeping of animals and shall be removed from the land when no longer required for that purpose and the land restored to its condition before the development took place within one month of the use ceasing.

Reason: The building hereby permitted would constitute inappropriate development in the Green Belt were it not for the proposed use and removal would be required to protect the long-term openness of the area in accordance with Sections 12 and 13 of the National Planning Policy Framework 2023, Policies CS2 and CS5 of the Core Strategy 2007 and Policies DM3, DM10 and DM26 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.

## **40 HOBBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT**

### **Description:**

Construction of a Prairie Dog enclosure (retrospective).

**Officer Recommendation:**

Approval, subject to conditions and informatives.

**Officer Presentation:**

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

**Public Speaking:**

The Ward Councillor who called-in the application spoke on the application.

**Decision:**

Following consideration, Councillor Neil Dallen proposed a motion that the application be deferred to a future meeting of the Committee in order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the report. The motion was seconded by Councillor Phil Neale.

Subsequently, the Committee resolved (5 for, 3 abstaining, and the Chair not voting) to:

**DEFER the application, for the following reason:**

**In order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the report.**

**41 HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT**

**Description:**

Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (retrospective).

**Officer Recommendation:**

Approval, subject to conditions and informatives.

**Officer Presentation:**

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

**Public Speaking:**

The Ward Councillor who called-in the application spoke on the application.

**Decision:**

Following consideration, the Vice-Chair proposed a motion that the application be deferred to a future meeting of the Committee in order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the report. The motion was seconded by Councillor Neil Dallen.

Subsequently, the Committee resolved (5 for, 3 abstaining, and the Chair not voting) to:

**DEFER the application, for the following reason:**

**In order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the report.**

**42**    **NORTHEY AVENUE SPORTS GROUND, NORTHEY AVENUE, CHEAM SM2 7HN**

**Description:**

Extensions and internal alterations to existing Sports Ground Pavilion.

**Officer Recommendation:**

Approval, subject to conditions and informatives.

**Officer Presentation:**

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

**Decision:**

During the course of debate, at 22:30, the Chair asked the Committee, in line with CPR 9.1 of Appendix 5 to the Constitution, to decide either that the application in question be agreed as presented without further debate, or that the application be deferred to the next meeting of the Committee.

A motion to agree the Officer recommendation as set out in the report was proposed by Councillor Neil Dallen and seconded by Councillor Kate Chinn.

Subsequently, 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 plans numbered 1186-PA-05, received by the local planning authority on 22 May 2023.

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) Sustainability Measures

Prior to the occupation of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

(4) Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall accord with those indicated within the application form associated with the application, 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) Compliance with Ecology Survey

The mitigation biodiversity enhancement opportunity measures detailed in Section 4 of the approved Ecology Survey (arbtech- Preliminary Bat Roost Assessment submitted on 29 September) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 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) 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.

(3) 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.

(4) 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 Act 1980 Sections 131, 148, 149).

(5) Damage to Highway

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) Highway Users

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) 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 works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

(8) 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.

**43 APPEALS REPORT**

The Committee received the Appeals Report, summarising all Planning Appeal Decisions and Current Appeals between October-December 2023.

*The meeting began at 7.30 pm and ended at 10.33 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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