

## Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 10 July 2024

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### PRESENT -

Councillor Steven McCormick (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn, Julian Freeman, Rachel King (as nominated substitute for Councillor Neil Dallen), Jan Mason, Phil Neale, Humphrey Reynolds and Chris Watson

Absent: Councillor Neil Dallen and Councillor Bernie Muir

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Michael Elford (Principal Lawyer), Tim Dukes (Surrey Highways Officer), and Phoebe Batchelor (Democratic Services Officer)

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### 7 DECLARATIONS OF INTEREST

Councillor Chinn declared that she lives in close proximity to the site and received a letter regarding the application. She stated that she maintained an open mind.

Councillor Neale declared that they are a regular Aldi shopper at the Ewell Store and that they have received emails from residents regarding the application. He stated that he maintained an open mind.

Councillor Woodbridge declared that he also has received emails from residents regarding the application but maintained an open mind.

In the interest of transparency, the Chair stated that all Members have received communication regarding the application in the lead up to the meeting.

### 8 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the **23 May 2024** and authorised the Chair to sign them.

### 9 FORMER DAIRY CREST SITE, ALEXANDRA ROAD, EPSOM, SURREY KT17 4BJ

#### **Description:**

Redevelopment of site to deliver a retail food store (Class E), supporting car park, access, servicing and landscaping.

**Officer Recommendation:**

Approval, subject to conditions, informatives, and S106 legal agreement.

**Officer Presentation:**

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

**Public Speaking:**

The Ward Councillor spoke on the application.

Two Members of the Public spoke in objection of the application.

The Applicant spoke in support of the application.

**Decision:**

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

The proposal was seconded by Councillor Woodbridge.

The Committee voted (2 for, 6 against, and the Chair not voting) against the Officer recommendation and the motion was lost.

Following further consideration, Councillor Mason proposed that the application be refused for the following reason:

**Reason:**

**Highway Safety**

The proposed development, in close proximity to the five ways junction, will cause an increase in the volume and nature of traffic generated that would have a severe adverse impact on the safety, convenience and free flow of traffic using the highway, contrary to Section 9 of the National Planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007 and Policy DM10 (x) of the Development Management Policies Document 2015.

The proposal was seconded by Councillor Neale.

The Committee resolved (6 for, 2 against, and the Chair not voting) that:

The application be **REFUSED**.

**10 MEETING ADJOURNMENT**

The meeting was briefly adjourned between 9.18pm and 9.25pm to allow the public gallery and speakers a chance to depart.

11 24/00518/FUL – 22D HIGHRIDGE CLOSE, EPSOM, SURREY, KT18 5HF

**Description:**

Part two, part single storey side extension.

**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.

A Member of the Public spoke in objection to the application.

The Applicant spoke in support of the application.

**Decision:**

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

The proposal was seconded by Councillor Reynolds.

The Committee resolved (8 for, and the Chair not voting) to:

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

**Conditions**

**1) Timescale**

The timescale 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:

- 1) Location Plan; Drawing No. 001
- 2) Existing and Proposed Block Plan; Drawing No. 002
- 3) Proposed Ground Floor Plan; Drawing No. 020
- 4) Proposed First Floor Plan Rev A; Drawing No. 021
- 5) Proposed Roof Plan Rev A; Drawing No. 022
- 6) Proposed Front Elevation A Rev A; Drawing No. 023
- 7) Proposed Rear Elevation B Rev A; Drawing No. 024
- 8) Proposed Side Elevation C; Drawing No. 025

Received by the local planning authority on 06 May and 21 June 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.

### **3) Materials**

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be of a similar appearance to those used in the existing building, 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) No Roof Gardens**

The roof of the extension hereby permitted shall not be used as a terrace, balcony, or similar amenity area.

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

### **5) No First Floor Windows**

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 first floor 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 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) 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) 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 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) 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.

#### **6) Wheel Washing**

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) 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.

#### **8) Safe Operation**

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 DEVELOPMENT SITE AT FRIARS GARTH, THE PARADE, EPSOM, KT18 5DH**

**Description:**

Alterations to building to provide a four-storey flat building comprising 12 residential flats (8 x 2 bedroom and 4 x 3 bedroom) together with vehicular access, landscaping, parking for nine vehicles, bin storage, cycle storage and associated works.

**Officer Recommendation:**

Refusal.

**Officer Presentation:**

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

**Public Speaking:**

A Member of the Public spoke in objection to the application.

**Decision:**

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

The proposal was seconded by Councillor Neale.

The Committee resolved (7 for, 1 abstaining, and the Chair not voting) that;

The application be **REFUSED** for the following reasons;

**1. Harm to The Old Pines**

As a result of its overall scale, the proposed development would cause less than substantial harm to the setting of The Old Pines (Grade II Listed Building) and its significance by failing to preserve the low level-built form character of their surroundings and introducing overly domineering built form that would diminish the appreciation and experience of these through adversely altering the character of their setting. The benefits of the development would not sufficiently outweigh the less than substantial harm, and as such the proposal is contrary to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 203 and

208 of the NPPF 2023 and Policy DM8 of the Development Management Policy Document 2015.

## **2. Harm to The Church Street Conservation Area**

The proposed development would harm the setting of the Church Street Conservation Area by adversely altering the character of the fundamental transition between the Town Centre and the Church Street Conservation Area that would adversely affect the surroundings in which the Church Street Conservation Area is experienced, harming its significance. The benefits of the development would not sufficiently outweigh the less than substantial harm, and as such the proposal is contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 203 and 208 of the NPPF 2023 and Policy DM8 of the Development Management Policy Document 2015.

## **3. Harm to The Character of the Area**

As a result of its overall scale and height, the proposed development would represent an incongruous addition that would fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 135 of the NPPF 2023 and Policies DM9 and DM10 of the Development Management Policy Document 2015.

## **4. Failure to Deliver Affordable Housing**

In the absence of a legal agreement securing off site contribution towards affordable housing, the proposal does not contribute towards a mixed and balanced community, contrary to Section 6 of the National Planning Policy Framework 2023 and Policy CS9 of the Core Strategy 2007.

### **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) Refused Plans**

This decision is in relation to the following plans:

Drawing Number 0157-P-005 Rev D

Drawing Number 0157-P-006 Rev D

Drawing Number 0157-P-007 Rev D

Drawing Number 0157-P-009 Rev B

**13** SUMMARY OF APPEAL DECISIONS

The Committee noted the contents of the report.

**14** UPCOMING APPLICATIONS

The Committee noted the contents of the report.

A Member of the Committee raised that the Fairview Road application was not included on the published agenda for the 18 July Planning Committee Meeting and queried when it would be received by the Committee.

The Chair responded to inform the Committee that the item had been withdrawn and explained that there is not currently a date as to which future Committee the application would be considered at.

*The meeting began at 7.30 pm and ended at 10.00 pm*

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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