

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 18 July 2024

PRESENT -

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

In Attendance: Councillor John Beckett (items 15 - 17 only)

Absent: Councillor Bernie Muir

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Michael Elford (Principal Lawyer) and Dan Clackson (Democratic Services Officer)

15 DECLARATIONS OF INTEREST

24/00445/FUL - 9 And 10 Kirby Close, Ewell KT19 0PW

Councillor Kate Chinn, Other Interest: In the interest of openness and transparency, Councillor Kate Chinn wished to state that she had received an email in support of Item 3 from the agent.

24/00605/REM - 45 Upper High Street Epsom Surrey KT17 4RA

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen wished to declare that he currently lived in a property located on the Upper High Street. He stated that it was a non-pecuniary interest and that he maintained an open mind.

16 BUNZL, EPSOM CHASE, 1 HOOK ROAD, EPSOM, SURREY, KT19 8TY

Description:

The erection of a roof extension to provide 11 residential units (3 x 1-bed, 4 x 2-bed and 4 x 3-bed) and associated works.

Officer Recommendation:

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

Officer Presentation:

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

Public Speaking:

The Agent spoke in support of the application.

Decision:

Following consideration, Councillor Neil Dallen proposed a motion that the Officer recommendation be amended by way of an additional informative, as follows:

The site lies adjacent to the Former Gasworks site and its associated ground contamination which should be taken into account during the construction and operational phases of the development.

The proposal was seconded by Councillor Jan Mason.

Subsequently, the Committee voted (8 for, 1 abstaining) in favour of the motion.

Following further consideration, Councillor Dallen proposed a motion that the Officer recommendation be amended by way of an additional informative, as follows:

The applicant is requested to allocate at least one parking space to each flat, taking into account the scale of accommodation within each flat.

The proposal was seconded by Councillor Jan Mason.

Subsequently, the Committee voted (4 for, 4 against, 1 abstaining, and the Chair exercising his casting vote in favour of the motion) in favour of the motion.

Following further consideration, Councillor Neil Dallen proposed a motion to approve the Officer recommendation, subject to the agreed amendments. The proposal was seconded by Councillor Phil Neale.

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

GRANT planning permission subject to a S106 Legal Agreement with the following Heads of Terms:

- a) **The delivery of 2 affordable rented units in a mix of 1 no. one bed and 1 no. three bedroom units.**
- b) **Securing a 23% biodiversity net gain**

And the following conditions and informatives.

If the Section 106 Agreement referred to in Part A is not completed by 18 January 2025, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 to secure policy compliant affordable housing, the applicant has failed to comply with Policy SC9 of the Core Strategy 2007.”

Conditions:

(1) Time Limit

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) Approved Details

The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Drawing Number BUN_SB_EX_AL_010 P1

Drawing Number BUN_SB_PR_AL_050 P4

Drawing Number BUN_SB_PR_AL_100 P5

Drawing Number BUN_SB_PR_AL_110 P5

Drawing Number BUN_SB_PR_AL_120 P8

Drawing Number BUN_SB_PR_AL_130 P8

Drawing Number BUN_SB_PR_AL_140 P5

Drawing Number BUN_SB_PR_AL_300 P4

Drawing Number BUN_SB_PR_AL_310 P4

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy (2007).

(3) In Combination Permission

The development hereby permitted shall not be implemented in the event that planning application 24/00130/FUL has commenced on site and planning application 24/00130/FUL shall not be implemented in the event that the development hereby permitted has commenced on site.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of

the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

Pre Commencement Conditions

(4) Materials

Prior to the commencement of development, details and samples of all external materials 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 in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

(5) SuDS Details

No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the existing on-site drainage is fit for purpose; and
- b) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

The approved details shall be implemented during the construction of the development and prior to first occupation.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

(6) Arboricultural Impact Assessment and Method Statement

No development shall take place until an Arboricultural Impact Assessment and Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been 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 the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

(7) Biodiversity Net Gain

Prior to commencement of development, a Biodiversity Gain Plan must be submitted and approved by the planning authority. This shall demonstrate how the measures set out in the March 2023 Biodiversity Net Gain Report submitted with the application have been met.

Reasons: To enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies Document 2015.

Pre Occupation Conditions

(8) Electric Vehicle Charging Points

The development hereby approved shall not be first occupied unless and until 11 of the available parking spaces are provided with a fast-charge Electric Vehicle charging point (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 of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

(9) Drainage Verification Report

The development hereby approved shall not be first occupied unless and until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation

devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

(10) Shared Access Details

The development hereby permitted shall not be first occupied unless and until details demonstrating security provisions for shared commercial and residential accesses have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the residential operation is first occupied.

Reason: To ensure that the viability of the remaining Class E1 Office floorspace is not reduced in accordance with Policy DM24 of the Development Management Policies Document October 2015 and Policy E5 of Plan E Area Action Plan 2011.

(11) Refuse and Recycling Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance 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: 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 Policy DM10 of the Development Management Policies 2015.

(12) Privacy Screening Details

The development hereby approved shall not be first occupied unless and until details of privacy screening for the balconies to Units 202 and 205 are submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the balconies are first brought into use.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document October 2015.

During Development

(13) Compliance with Ecological Survey

The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the A Preliminary Ecological Appraisal and Roost Assessment, prepared by Arbtech and dated March 2024 and Bat Emergence and Re-Entry Survey, prepared by Arbtech and dated May 2024, prior to the occupation of the development and thereafter maintained.

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

(14) Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy Statement prepared by T16, reference 5507 Issue 1 and dated February 2024 prior to first occupation and 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.

(15) Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 07:30 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

Informatives:

(1) Section 106 Agreement

This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act dated (TBC), the obligations in which relate to this development.

(2) Details To Be Approved

This consent contains conditions that require subsequent approval of detailed matters before the development commences. There is a fee for submission of details to comply with conditions, which is payable for each separate submission rather than for each condition. Decisions may take up to eight weeks, or longer if consultation with third parties is required.

(3) 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.

(4) Building Regulations

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.

(5) Party Wall Act

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".

(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 the 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 or organisation responsible for the damage.

(8) Highway Obstructions

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) 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.

(9) Electricity Supply

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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

(10) Watercourses

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.

(11) Source Protection Zone

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

(12) Sub Ground Structures

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

(13) Ground Contamination

The site lies adjacent to the Former Gasworks site and its associated ground contamination which should be taken into account during the construction and operational phases of the development.

(14) Allocated Parking

The applicant is requested to allocate at least one parking space to each flat, taking into account the scale of accommodation within each flat.

The Chair allowed for a brief adjournment as the Democratic Services Officer showed the public speaker out of the Chamber. The meeting was adjourned at 20:21 and resumed at 20:23.

17 24/00445/FUL - 9 AND 10 KIRBY CLOSE, EWELL KT19 0PW

Description:

Permission in Principle application for two semi-detached pairs of 4 x 3-bed dwellings with associated parking and landscaping following demolition of two existing detached bungalows.

Officer Recommendation:

Approval, subject to guidance.

Officer Presentation:

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

Public Speaking:

A member of the public spoke in objection to the application.

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

Decision:

Following consideration, Councillor Chris Watson proposed a motion that the Officer recommendation be amended by way of additional guidance, as follows:

The development should take cues from the architectural character of the other dwellings in the street including bay windows and fenestration.

Councillor Jan Mason seconded the proposal.

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

Following further consideration, Councillor Neil Dallen proposed a motion that the application be deferred to a future meeting of the Committee to allow time for a Member site visit to be conducted. The proposal did not receive a seconder and consequently the motion was lost.

Following further consideration, Councillor Julian Freeman proposed a motion to approve the Officer recommendation, subject to the agreed amendment. The proposal was seconded by Councillor Kate Chinn.

Subsequently, the Committee voted (4 for, 4 against, the Chair not voting initially, and proceeding to exercise his casting vote against the motion) against the motion, and the motion was lost.

Following further consideration, Councillor Phil Neale proposed a motion to refuse the application for the following reason:

Excessive Density for the Site

The proposed development would not maintain the visual character and appearance of the wider townscape, contrary to Policy DM11 of the Development Management Policies Document 2015.

The proposal was seconded by Councillor Neil Dallen.

Subsequently, the Committee resolved (4 for, 3 against, 1 abstaining, and the Chair not voting) to:

REFUSE the application, for the following reason:

Excessive Density for the Site

The proposed development would not maintain the visual character and appearance of the wider townscape, contrary to Policy DM11 of the Development Management Policies Document 2015.

18 24/00605/REM - 45 UPPER HIGH STREET EPSOM SURREY KT17 4RA

Description:

Variation of Condition 6 (Opening Hours) of planning permission 19/00826/FUL to allow for extended hours of opening.

Officer Recommendation:

Approval, subject to variation of conditions.

Officer Presentation:

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

Public Speaking:

The Chair stated that he had received notice from the Councillor who had called-in the application that they were unable to attend the meeting. The Chair explained that they had provided him a written statement on the application. The Chair read out their statement.

Decision:

Following consideration, Councillor Phil Neale proposed a motion that the application be deferred to a future meeting of the Committee to allow time to consult with and receive comments from the Police on the application. The proposal was seconded by Councillor Jan Mason.

The Committee voted (4 for, 4 against, 1 abstaining, and the Chair exercising his casting vote against the motion) against the motion, and the motion was lost.

Following further consideration, Councillor Freeman proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Kate Chinn.

Subsequently, the Committee resolved (5 for, 4 against) to:

Grant planning permission subject to the variation of Conditions 1, 3, 4, 5 and 6 of the original permission (24/00605/REM), as follows:

(1) Timescale

(deleted)

(2) Approved details

The development hereby permitted shall be carried out in accordance with the plan 1065-01 Rev A, received 23/08/2019.

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

(3) Refuse storage

Refuse storage and recycling facilities shall be fully implemented and made available for use at all times in accordance with the Refuse Storage

& Recycling Facilities Statement (Received 24/06/2020), as discharged in application 20/00716/COND.

Reason: To ensure the provision of refuse facilities in accordance with Policy DM10 of the Development Management Policies Document (2015).

(4) Ventilation and Filtration

Ventilation and filtration equipment must be operated and maintained in full working order in accordance with manufacturer's instructions throughout the proposed use in accordance with the Duct Extraction plans numbered (Received 27/05/2020) and GigaBox Extractor Fan Specification Information (Received 27/05/2020), both as discharged in application 20/00716/COND.

Reason: To safeguard neighbouring residential amenities in accordance with Policy DM10 of the Development Management Policies Document (2015).

(5) Noise Attenuation

Noise and vibration measures shall be maintained for the duration of the permitted use in accordance with the Duct Extraction plans numbered (Received 27/05/2020) and GigaBox Extractor Fan Specification Information (Received 27/05/2020), both as discharged in application 20/00716/COND.

Reason: To safeguard neighbouring residential amenities in accordance with Policy DM10 of the Development Management Policies Document (2015).

(6) Opening Hours

The premises shall only be open for customers between 11am and midnight on Sunday to Wednesday and 11am and 2am (the following day) on Thursday to Saturday.

Reason: To safeguard neighbouring residential amenities in accordance with Policy DM10 of the Development Management Policies Document (2015).

19 QUARTERLY ENFORCEMENT REPORT

The Committee received and noted the summary of incoming and closed enforcement cases by month.

The meeting began at 7.30 pm and ended at 9.48 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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