

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 7 November 2024

PRESENT -

Councillor Steven McCormick (Chair); Councillor Lucie McIntyre (as nominated substitute for Councillor Councillor Clive Woodbridge); Councillors Kate Chinn, Neil Dallen (items 33-35, 37-42), Alison Kelly (as nominated substitute for Councillor Julian Freeman), Jan Mason, Bernie Muir, Phil Neale, Humphrey Reynolds and Chris Watson

In Attendance: Councillor Bernice Froud (items 33-37 only)

Absent: Councillor Clive Woodbridge and Councillor Julian Freeman

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

33 APPOINTMENT OF ACTING VICE-CHAIR

In the absence from the meeting of the Vice-Chair, Councillor Clive Woodbridge, the Chair proposed that Councillor Phil Neale be appointed as Acting Vice-Chair for the duration of the Meeting.

The Committee raised no objection and agreed for Councillor Phil Neale to sit as Acting Vice-Chair for the Meeting.

34 DECLARATIONS OF INTEREST

23/00158/FUL - Land at Fairview Road

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he was the Chair of the Strategy & Resources Committee, who had put the application forward. He stated that he would withdraw from the Chamber for the duration of the Committee's consideration of the application, to avoid the appearance of any perceived bias.

24/00992/FUL- 71 Rosebery Road, Epsom, KT18 6AB

Councillor Chris Watson, Other Interest: In the interest of transparency, Councillor Chris Watson declared that he lived in close proximity to the proposed

development, and assured the Committee that he maintained an open mind on the matter.

Councillor Steven McCormick, Other Interest: In the interest of transparency, the Chair, Councillor Steven McCormick, wished to declare that he was the Chair of the Epsom & Walton Downs Conservators.

Enforcement Report

Councillor Steven McCormick, Other Interest: In the interest of transparency, the Chair, Councillor Steven McCormick, wished to declare that he was the Chair of the Audit & Scrutiny Committee.

35 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 3 October 2024 (attached) and authorised the Chair to sign them.

36 23/00158/FUL - LAND AT FAIRVIEW ROAD

Prior to the Committee's consideration of the agenda item, Councillor Neil Dallen withdrew from the Chamber.

Description:

The erection of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room.

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Public Speaking:

A member of the public provided to the Committee two separate representations in objection to the application – the first objection provided on their own behalf, and the second objection provided on behalf of another member of the public, upon that other member of the public's request.

Decision:

In the interest of the provision of allocated parking for each unit, Councillor Lucie McIntyre proposed a motion that the Officer recommendation be amended by way of an amendment to condition 10, as follows:

(10) Parking and Turning

*The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and turn so that they may enter and leave the site in forward gear. **One vehicle parking space shall be clearly allocated and used for each modular building.** Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.*

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 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.

The proposal was seconded by Councillor Jan Mason. Subsequently, the Committee voted (7 votes for, 1 abstaining, and the Chair not voting) in favour of the amendment.

To address an inaccuracy within the text of condition 2 as set out in the report, the Chair, Councillor Steven McCormick, proposed a motion that the Officer recommendation be amended the by way of an amendment to condition 2, as follows:

(2) Temporary Use

The development hereby permitted shall be discontinued and the land restored to its former condition on or before five years from the date of this planning permission.

*Reason: To allow the Local Planning Authority an opportunity to assess the **future demand for such accommodation, in accordance with Section 5 of the National Planning Policy Framework 2023 and Policy DM21** of the Development Management Policies Document 2015.*

The proposal was seconded by Councillor Bernie Muir. Subsequently, the Committee voted (7 votes for, 1 abstaining, and the Chair not voting) in favour of the amendment.

Councillor Kate Chinn proposed a motion to agree the Officer recommendation, as amended. The proposal was seconded by Councillor Humphrey Reynolds. Subsequently, the Committee resolved (7 votes for, 1 abstaining, and the Chair not voting) to:

GRANT planning permission subject to the following conditions and informatives:

Conditions

(1) Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

(2) Temporary Use

The development hereby permitted shall be discontinued and the land restored to its former condition on or before five years from the date of this planning permission.

Reason: To allow the Local Planning Authority an opportunity to assess the future demand for such accommodation, in accordance with Section 5 of the National Planning Policy Framework 2023 and Policy DM21 of the Development Management Policies Document 2015.

(3) Approved Details

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

Site Local Plan at 1:1250

Drawing Number LA-4-01 (Red Line)

Drawing Number LA-4-01

Drawing Number AC-23-01

Drawing Number AS-01-01

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

Pre-Commencement Conditions

(4) Materials

No development shall commence unless and until details of the 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 D8, D9 and DM10 of the Development Management Policies 2015.

(5) Construction Transport Management Plan

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) provision for unloading modular buildings on site
- c) programme of works (including measures for traffic management)
- d) HGV/Flatbed deliveries and hours of operation along Fairview Road to be outside of the hours 07:30 – 09:30 and 15:30 and 17:00. Any HGV/Flatbed vehicles cannot be laid up or waiting on either East Street or Fairview Road at these times
- 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
- h) measures to ensure the footway is not obstructed during construction

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

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

(6) 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 Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. The approved details shall be implemented during the construction of the development and prior to occupation of any of the buildings.

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

(7) Hard and Soft Landscaping

No development shall commence unless and until full details, of both hard and soft landscape proposals and boundary treatments, including a schedule of landscape maintenance for a period of 5 years and provision to provide amenity space for each of the three dwellings, has been submitted to and approved in writing by the local planning authority. The approved landscape scheme and boundary treatments shall be implemented no later than the first planting season after the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme 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.

(8) Environmentally Sustainable Development Measures

No development shall commence unless and until full details of environmentally sustainable development and energy conservation measures to be incorporated into the proposed modular buildings are submitted to and approved by the Local Planning Authority. The approved environmentally sustainable measures shall be incorporated into the proposed development prior to first occupation.

Reason: To ensure that new development can help combat and mitigate the impacts of climate change, in accordance with Policies CS1 and CS6 of the Core Strategy 2007

Pre-Occupation Conditions

(9) Ground Contamination and Ground Gas

Following any necessary demolition and prior to the first occupation, the following shall be undertaken in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent, and concentrations of any made ground/fill (including asbestos), ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.
- (ii) If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

- (iii) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

(10) Parking/Turning

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and turn so that they may enter and leave the site in forward gear. One vehicle parking space shall be clearly allocated and used for each modular building. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 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.

(11) Cycle Facilities

The development hereby approved shall not be first occupied unless and until details for the storage of cycles to be parked in a secure and covered location have been submitted to an approved in writing by the Local Planning Authority. The facilities are to be provided prior to the first occupation of the respective buildings and thereafter the approved facilities shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

(12) Compliance with Ecological Survey

The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the Preliminary Ecology Appraisal, prepared by Preliminary Ecological Assessment, prepared by Fursfen and dated December 2022 prior to first occupation of any of the buildings.

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.

(13) 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) 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) 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".

- (4) 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) 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.
- (6) 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.

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.

Following the conclusion of the Committee's consideration of the application, the Committee agreed to a brief adjournment prior to moving on to the next agenda item. The meeting was adjourned between 20:25 – 20:29.

Prior to the commencement of the Committee's consideration of the next agenda item, Councillor Neil Dallen returned to the Chamber.

37 24/00992/FUL- 71 ROSEBERY ROAD, EPSOM, KT18 6AB

Description:

Demolition of existing single storey dwelling and construction of 3 x 3-bed residential units with car parking, and associated access.

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 who called in the application spoke in objection to the application.

A Member of the public who had registered to speak in objection to the application had their representation provided to the Committee, upon their request, by said Ward Councillor on their behalf.

Decision:

Following consideration, Councillor Neil Dallen proposed a motion to refuse the application, for the following reason:

The proposed development would be served by sub-standard private amenity area that would result in poor standards of living accommodation contrary to policies C5 of the Core Strategy and policy DM12 of the Development Management Policies Document.

The proposal was seconded by Councillor Chris Watson. Subsequently, the Committee voted (4 votes for, 4 against, 0 abstentions, the Chair not voting initially and exercising his casting vote against the motion) against the motion, and the motion was lost.

Councillor Alison Kelly proposed a motion to agree the Officer recommendation as set out in the report. The proposal was seconded by Councillor Phil Neale. Subsequently, the Committee resolved (4 votes for, 3 against, 2 abstaining, and the Chair not voting) to:

PART A

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

- a) **BNG delivery and monitoring**

and the following conditions and informatives.

PART B

If the Section 106 Agreement referred to in Part A is not completed by 07 February 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, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”

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 10:010 C, 10:011 A, 10:012 A, 10:013 A, 10:014 A, 10:015 A and 10:016 A.

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

Prior to the commencement of the development, materials to be used in the construction of the external surfaces of the extension be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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) Hard and Soft Landscaping details

No development shall take place until full details, of both hard and soft landscape proposals, including details of the design and external appearance of the boundary treatment and a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented within the first planting season after the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment, and maintenance of an appropriate landscape scheme 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.

(5) Site Levels

No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings 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 and the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

(6) Sustainable Urban Drainage System (SUDS)

No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the occupation of the building and thereafter retained in that condition.

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.

(7) Biodiversity Enhancements

No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the first occupation of the development hereby approved 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.

(8) Sustainability details

Prior to the commencement 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 Section 15 of the National Planning Policy Framework and Policy CS6 of the Core Strategy 2007.

(9) Compliance with Arboricultural Report

Prior to the commencement of the development (including demolition) hereby permitted, tree protection for all retained trees at the site and on adjacent land shall be installed in accordance with protection plan and methods contained within the arboricultural report produced by Ecology Resources dated March 2024 and BS5837:2012.

The fencing shall protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works undertaken in connection with the development. No service runs shall be provided within the root protection area of any tree to be retained at the site or on adjacent land unless details are submitted to and approved by the local planning authority.

Protective fencing shall be 2.4m high and conform to Figure 2 of BS5837:2012 i.e., a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled, or uprooted during the construction of the development hereby approved.

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.

(10) Construction Transport Management Plan

No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials

- c) storage of plant and materials used in constructing the development
- d) programme of works (including measures for traffic management)
- e) provision of boundary security hoarding behind any visibility zones
- f) wheel washing facilities
- g) measures to control the emissions of dust and dirt during construction
- h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- i) hours of operation.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007 and Policy DM35 of the Development Management Policies Document 2015.

(11) EV Charging

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the Access and Servicing Strategy set out in the approved proposed site access & servicing plan (ref: 0603A) and the details set out on page 36 of the approved Design & Access Statement (ref: PROPOSAL (DAS Part II)).

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF 2023 and to accord with Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

(12) Provision of Car and Cycle Parking

The development hereby permitted shall not be first occupied until the car parking spaces and cycle parking/storage has been provided in accordance with the approved plans. The car parking shall thereafter be used for no purpose other than the parking of vehicles and turning.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Section 9 of the National Planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

(13) Working Hours

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 08.00 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 2015.

(14) No Roof Gardens

The roof of the single storey rear 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 2015.

(15) Obscure Glazing

The first-floor window in the western side elevation, the first floor side window in eastern elevation, and the second floor side window in the eastern elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut unless the parts of the window/s which can be opened are more than 1.7m above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

(16) Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A and E of that Order.

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM10 and DM12 of the Development Management Policies Document 2015.

(17) Provision of Access

The development hereby approved shall not be commenced until an application for dropped kerbs serving all three dwellings has been submitted to and approved by the local planning authority. Thereafter, the respective dwellings shall not be occupied until the approved details have been fully implemented.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

Informatives**(1) Section 106 Agreement**

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

(2) Biodiversity Net Gain

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

(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 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.

(5) 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.

(6) 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.

(7) Highway Works

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

(8) 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).

(9) 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.

(10) Encroachments

No part of the development including foundations or guttering, shall encroach upon the adjoining property.

(11) 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.

(12) Separate Permission

This consent does not grant planning permission for the dropped kerb or works to the highway, for which separate permission is required under the Town and Country Planning Act 1990.

(13) 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.

38 24/01037/LBA - BRICK WALL TO THE REAR OF 102 AND 100B BEACONSFIELD ROAD EPSOM SURREY KT18 6HS

Description:

Rebuilding of Grade II Listed wall to the rear of 100B and 102 Beaconsfield Road.

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, Councillor Lucie McIntyre proposed a motion to agree the Officer recommendation as set out in the report. The proposal was seconded by Councillor Neil Dallen. Subsequently, the Committee resolved (9 votes for, and the Chair not voting) to:

GRANT listed building consent 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 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2004.

(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/titled Location plan and A-2-06-R3 and in accordance with the methodology document: "Beaconsfield Road – Listed Wall. Repair to Listed Garden Wall. Date 14 August 2024. Rev A." by Williams Restoration.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and to ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

(3) Safeguarding the Listed Building

Prior to the removal of any further brickwork from the wall, a site meeting shall be arranged and agreed between the Council's Conservation Officer and the bricklayer. Thereafter, notwithstanding details hereby approved, the following details shall be submitted to and approved by the local planning authority prior to the commencement of any works:

- a) Brick bond
- b) Mortar mix

- c) Mortar joint profile and finish
- d) Foundation details
- e) New brick sample

The wall shall thereafter be constructed in accordance with the approved details and so maintained.

Reason: To ensure that the heritage significance of the wall is preserved or enhanced in accordance with Section 16 of the National Planning Policy Framework 2023, Policy CS5 of the Core Strategy 2007 and Policy DM8 of the Development Management Policies Document 2015.

(4) Retention of Historic Bricks

All bricks shall be retained on site and no historic bricks shall be disposed of unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the heritage significance of the wall is preserved or enhanced in accordance with Section 16 of the National Planning Policy Framework 2023, Policy CS5 of the Core Strategy 2007 and Policy DM8 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) Conservation of the Listed Buildings

You are reminded that all works to a listed building must be carried out with the utmost care and to the highest standards of quality and workmanship. Any damage to the listed building shall be immediately made good using materials to match the originals. Unauthorised works that harm the listed building constitute a criminal offence and will be liable to fines of up to £20,000 per offence.

(3) 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.

39 UPCOMING APPLICATIONS

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

40 APPEALS REPORT

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

41 ENFORCEMENT REPORT

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

The Planning Development and Enforcement Manager presented to the Committee, within the Officer presentation slides (published as a supplement to the agenda), a table providing a breakdown of closures over the past 12 months.

The Committee considered the following matters:

- a) The Planning Development and Enforcement Manager explained that 'action taken' with respect to enforcement cases is considered as a notice being issued. He stated that Officers endeavour to work proactively with applicants/owners to reach resolutions, with the issuing of notices being treated as a last resort for dealing with cases.
- b) The Planning Development and Enforcement Manager explained that there are a number of reasons for why a case might be closed without action taken, which were set out within the table.

The Committee noted the report and the additional breakdown information provided within the table.

42 PLANNING PERFORMANCE REPORT

The Committee received and noted a report providing a summary of planning performance by quarter.

The meeting began at 19:32pm, was adjourned between 20:25pm - 20:29pm, and ended at 21:39pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)