

Agenda Item 3

23/00110/FUL 107-111 EAST STREET, EPSOM, SURREY, KT17 1EJ

~~Deleted text~~

Added text

Paragraph 4.6 (page 39) (the table that summarises the response to the refusal reasons of the 21 unit scheme – the last point on affordable housing)

~~The Inspector was presented with a S106 Agreement, which secured a contribution for affordable housing. The DAS for this application argues that this scheme is not viable~~

The S106 Agreement that the Council was a signatory to only secured a contribution for affordable housing if a viability review was triggered by virtue of the development not reaching first floor slab level within 2 years of the grant of planning permission and if that review found a contribution to be viable.

Paragraph 10.56 (page 53)

The potential for overlooking of 113 East Street from the proposed windows in the north-west elevation is mitigated by virtue of the separation distances. The below sets out the other measures that prevent overlooking:

- 1. The angled/splayed windows that face due north are positioned away from 113 East Street.**
- 2. Windows to bathrooms on the north east elevation would be obscure glazed and should planning permission be granted, a Condition would ensure this (Condition 23)**
- 3. Windows to communal stairs are not subject to obscure glazed as these are non-habitable spaces**
- 4. Due to their position on the roof slope, the bottom of the glazed part of the roof light windows, are 1.7 metres above finished floor level, which is the commonly accepted height above which overlooking is mitigated (note that Condition 23 refers to 1.7 metres)**

Paragraph 10.82 (page 56)

The footpath would also be raised above the level of the access road itself and separated by a kerb line.

The kerbed footpath projects past the corner of the building, avoiding blind corners and enhancing the safety of pedestrians.

Paragraph 10.129 (page 62)

- A Viability Review Mechanism, which is triggered if works on-site have not reached construction of the first-floor slab within 20 months of Planning Permission being granted.**

Paragraph 10.52 (page 52)

Continued correspondence has been had between Officers, BPS and the Applicant, to agree an appropriate Viability Review Mechanism. Officers note the Site's planning history and what has previously been agreed in terms of Viability Review Mechanisms on this Site. It has been agreed that should planning permission be granted, the Viability Review Mechanism is as follows:

A viability review mechanism would be triggered if works on-site have not reached construction of the first-floor slab within 20 months of Planning Permission being granted.

Paragraph 12, Recommendation (Part A) (page 64)

- **A Viability Review Mechanism, which is triggered if works on-site have not reached construction of the first-floor slab within 20 months of Planning Permission being granted.**

Condition 23 (Obscure glazing) (page 71)

Before any occupation of the development hereby permitted, the bathroom windows of **Units 1-03 and 2-02** (ref: (GA)04-PL3 - Proposed Floor Plans Sh2 – dated January 2023) shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale for the life of the development. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

Conditions 6, 7 and 8 (Contamination) (page 66 and 67) to be deleted and replaced with:

Condition:

Ground contamination desk study and preliminary risk assessment

Prior to the commencement of development, a ground contamination desk study and Conceptual Site Model shall be undertaken in accordance with current best practice guidance. The results of the desk study shall be submitted to and approved by the Local Planning Authority

Ground contamination investigation, characterisation and risk assessment

If the desk study Conceptual Site Model indicates there are ground contamination risks, intrusive ground investigation and risk assessment shall be undertaken following any demolition and prior to the commencement of further development in accordance with current best practice guidance to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off-site. The report of the findings, including the revised Conceptual Site Model, shall be submitted to and approved by the Local Planning Authority and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;

- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s)

Ground contamination remedial method statement

If ground/groundwater contamination, filled ground and/or ground gas are found to present unacceptable risks, prior to the commencement of further development unless otherwise agreed in writing by the Local Planning Authority, and in accordance with current best practice guidance, a detailed scheme of risk management measures to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be designed and submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures including waste management and waste disposal

Ground contamination remediation

Prior to any occupation of the site, the approved remediation scheme prepared must be carried out in accordance with its terms. The Local Planning Authority and Contaminated Land Officer must be given two weeks written notification of commencement of the remediation scheme works

Ground contamination remediation verification

Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Certificate of completion

A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use

Long term monitoring and maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

These must be conducted in accordance with current best practice guidance

The reason for the above Conditions is:

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

Agenda Item 4

23/00079/FUL Penecroft, 19 Downs Avenue, Epsom, Surrey, KT18 5HQ

Additional Third Party Representations:

Further third party representations have been received on behalf of the occupiers of 17 Downs Road. Members will have also been in receipt of direct correspondence dated

Whilst the majority of the contents within the representations do not raise any new material considerations and have been addressed in the Agenda Report, Officers wish to make further comments in respect of the comments regarding the proposed roof tiles and a specialist Sun Study.

With respect to the proposed roof tiles, whilst it is expected that the materials proposed under a planning application can be appropriately constructed on any new development, the details and samples of the materials proposed are to be agreed prior to development under condition 3. The materials as proposed under this application therefore do not go to the heart of the permission and similar alternatives can be put forward for consideration through the condition. Any material samples will be fully scrutinised to ensure that they are of a high quality suitable for the Conservation Area.

With respect to a specialist Sun Study, these are not a mandatory requirements for planning applications and following a site visit, Officers are satisfied that the conclusions in the Agenda Report on neighbouring amenity are fully considered.

Potential Applications for Consideration at forthcoming Planning Committee meetings:

- 22/00923/FUL - *Former Police Station, Church Street, Epsom* - Demolition of the existing police station and ambulance station and erection of a new residential, nursing and dementia care home for the frail elderly (Use Class C2) comprising ancillary communal facilities and dementia care, basement parking, reconfigured vehicular access, landscaping and other associated works
 - 22/01518/FUL - *Majestic Wine Warehouses Ltd, 31 - 37 East Street, Epsom* - Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping
 - 23/00158/FUL - *Land At Fairview Road, Epsom* - The erection of 3 no. modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room
 - 22/01953/FUL - *79-81 East Street* - Demolition of 79-81 East Street and the construction of a part 5, part 6 storey building containing 31 residential units (10 x 1-bed, 17 x 2-bed and 4 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements and associated works
 - 21/01406/FUL - *140-142 Ruxley Lane* - Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.
 - 23/00402/FUL - *Former Dairy Crest Site, Alexandra Road* - Redevelopment of site to deliver a retail foodstore (Class E), supporting car park, access, servicing and landscaping.
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Quarterly Development Management Performance Update

Statistics showing the Council's performance targets for 'Major', 'Minor' and 'Other' planning applications are provided below, with the most recent Quarter 4 of 2022-23 (i.e. Jan/Feb/Mar) in bold and previous Quarters shown for information:

Major planning applications (target 60%):

Q	APPS DETERMINED	DETERMINED IN TIME	DETERMINED IN TIME %
Q1 2021-2022	2	1	50%
Q2 2021-2022	7	1	14%
Q3 2021-2022	0	0	-
Q4 2021-2022	6	5	83%
Q1 2022-2023	3	3	100%
Q2 2022-2023	5	5	100%
Q3 2022-2023	3	3	100%
Q4 2022-2023	3	3	100%

Minor planning applications (target 65%):

Q	APPS DETERMINED	DETERMINED IN TIME	DETERMINED IN TIME %
Q1 2021-2022	17	1	6%
Q2 2021-2022	24	1	4%
Q3 2021-2022	25	2	8%
Q4 2021-2022	65	33	51%
Q1 2022-2023	35	31	89%
Q2 2022-2023	39	31	79%
Q3 2022-2023	38	33	87%
Q4 2022-2023	21	19	90%

Other planning applications (target 80%):

Q	APPS DETERMINED	DETERMINED IN TIME	DETERMINED IN TIME %
Q1 2021-2022	162	52	32%
Q2 2021-2022	130	21	16%
Q3 2021-2022	129	9	7%
Q4 2021-2022	300	115	38%
Q1 2022-2023	188	181	96%
Q2 2022-2023	180	170	94%
Q3 2022-2023	124	120	97%
Q4 2022-2023	139	135	97%

The data shows that there has been a sustained improvement in performance since the beginning of 2022. The data for the current Quarter (Apr/May/Jun) will be reported at a future committee, but is currently exceeding the performance targets set by government.
