

## Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 8 June 2023

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### PRESENT -

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

In Attendance: Councillor Alison Kelly

Officers present: Justin Turvey (Interim Head of Place Development), Simon Taylor (Planning Development & Enforcement Manager), Virginia Johnson (Principal Planning Officer), Gemma Paterson (Principal Planning Officer), Daniel Andersson (Solicitor), Phoebe Batchelor (Democratic Services Officer) and Dan Clackson (Democratic Services Officer)

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### 1 DECLARATIONS OF INTEREST

23/00110/FUL 107-111 East Street, Epsom, Surrey, KT17 1EJ

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen stated that he personally knew the residents of a property in close proximity to the location of the application in question. He stated that he did not consider it to be a prejudicial interest and confirmed that he had come to the meeting with a clear and open mind.

### 2 MINUTES OF PREVIOUS MEETINGS

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 9 March 2023 and authorised the Chair to sign them.

In the interest of clarity, Councillor Steven McCormick proposed an amendment to the minutes of the Special Meeting of the Committee held on 23 March 2023, as follows:

The original paragraph:

*Councillor Steven McCormick proposed that the application be refused.  
Councillor Jan Mason seconded the proposal.*

The amended paragraph, as proposed by Councillor Steven McCormick:

*Councillor Steven McCormick proposed that the application be refused and briefly cited the initial reasons for refusal of CS1, CS5, DM9, DM10, and NPPF paragraphs 149 and 174. Councillor Jan Mason seconded the proposal.*

The Committee agreed to the amendment and confirmed that the minutes were a true record of the meeting. The Committee authorised the Chair to sign the minutes, following the agreed amendment.

**3** 23/00110/FUL 107-111 EAST STREET, EPSOM, SURREY, KT17 1EJ

The Committee received a presentation from the Principal Planning Officer. The Principal Planning Officer asked that the Committee note the updates to the paragraphs, recommendation and conditions of the report, as set out in the agenda supplement (Item 6: supplementary Information - Update Report). She informed the Committee that Officers also recommended that the wording of condition 18 (Existing Access) be updated, following discussion with Surrey County Council Highways, in order to ensure that the development would not be first occupied until the existing vehicular access on the site onto East Street had been permanently closed, and any kerbed verge footway fully reinstated, subject to a design to be agreed with the County Highway Authority.

The Agent spoke in support of the application.

**Description:**

Demolition of the existing buildings and construction of a two-storey building with part basement/lower ground floor, with roof accommodation, comprising 16 self-contained dwellings (Use Class C3), together with associated car and cycle parking, refuse storage, hard and soft landscaping and associated works

**Officer Recommendation:**

To authorise the Head of Place to grant Planning Permission, subject to Planning Conditions, and subject to a S106 Agreement of the Town and Country Planning Act 1990 (as amended) being completed and signed by 08 September 2023 to secure Heads of Terms.

**Decision:**

In the interest of the privacy of residents, Councillor Neil Dallen proposed that the recommendation be amended to add a condition requiring that all communal windows on the north-eastern elevation (facing towards 113 East Street) must be fitted with obscure glazing. The proposal was seconded by Councillor Jan Mason.

The Committee agreed (6 for, 3 Abstaining, and the Chair not voting) to add the condition to the recommendation.

In the interest of the safety of disabled and sight-impaired pedestrians, Councillor Neil Dallen proposed that the recommendation be amended to add a condition requiring tactile paving to be laid where the pavements meet the road into the Development Site. The proposal was seconded by Councillor Jan Mason.

The Committee unanimously agreed to add the condition to the recommendation.

In the interest of ensuring parking availability for residents, Councillor Jan Mason proposed that the recommendation be amended to add a condition requiring that each flat be allocated a parking space. The proposal was seconded by Councillor Steven McCormick.

The Committee agreed (6 for, 1 Against, 2 Abstaining, and the Chair not voting) to add the condition to the recommendation.

Following consideration, the Committee unanimously resolved to:

**Authorise the head of place to grant planning permission, subject to the Planning Conditions stipulated below, and subject to a S106 Agreement of the Town and Country Planning Act 1990 (as amended) being completed and signed by 08 September 2023 to secure the following Heads of Terms:**

- **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.**
- **Monitoring fee**
- **Legal costs**

**Conditions:**

- (1) **Timescale:** 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) **Approved plans:** The development hereby permitted shall be carried out in accordance with the following approved plans:

EX (00) - PL3 – Location Plan – dated January 2023

(EX)02-PL3 - Existing Site Plan – dated January 2023

(EX)01-PL3 - Existing Block Plan – dated January 2023

(EX)03-PL3 - Existing Floor Plans – dated January 2023

(EX)04-PL3 - Existing Elevations Sheet 01 - dated January 2023

(EX)05-PL3 - Existing Elevations Sheet 02 - dated January 2023

(GA)01-PL3 – Proposed Block Plan – dated January 2023

(GA)08-PL3 – Proposed Site Plan – dated January 2023

(GA)03-PL3 - Proposed Floor Plans Sh1 - dated January 2023

(GA)04-PL3 - Proposed Floor Plans Sh2 - dated January 2023

(GA)05-PL3 – Proposed Floor Plans Sh3 - dated January 2023

(GA)08-PL3 – Proposed Street Elevation – dated January 2023

(GA)06-PL3 - Proposed Elevations Sheet 01 - dated January 2023

(GA)07-PL3 - Proposed Elevations Sheet 02 - dated January 2023

**Reason:** For the 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) **External materials:** Prior to the commencement of development (excluding works of demolition), 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 DM9 and DM10 of the Development Management Policies 2015

- (4) **Boundary treatments:** Prior to above ground works (excluding works of demolition) details of all boundary treatments to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details

**Reason:** To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

- (5) **Hard and soft landscaping:** Prior to above ground works (excluding works of demolition) details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall include details of the materials used for the widened access road, footpath and car park entrance/exit crossover, with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority

**Reason:** In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

- (6) **Ground contamination desk study:** 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

**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.

- (7) **Intrusive ground investigation 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)

**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.

- (8) **Risk Management Measures:** 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

**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.

- (9) **Remediation Scheme:** 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

**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.

- (10) **Verification Report:** 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.

**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.

- (11) **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

**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.

- (12) **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

**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.

- (13) Monitoring and Maintenance Scheme:** 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.

**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.

- (14) Sustainable drainage:** The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has 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 proposed final solution will effectively manage the 1 in 30(+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- c) 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.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system



- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

- (15) Sustainable drainage verification:** Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be 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 the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

- (16) 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) loading and unloading of plant and materials
- c) storage of plant and materials
- d) provision of boundary hoarding behind any visibility zones
- 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) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Kiln Lane or East Street (A24) during these times
- h) on-site turning for construction vehicles (or measures for traffic management) has been submitted to and approved in writing by the

Local Planning Authority. Only the approved details shall be implemented during the construction of the development

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (17) **Pedestrian splays:** The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the modified access to Kiln Lane and modified access from the sites parking area onto the private access road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays for the life of the development.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (18) **EV charging:** The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (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 for the life of the development.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (19) **Cycle storage:** The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site for a minimum of 19 bicycles, in accordance with 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 for the life of the development.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021

and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (20) **Travel measures:** At first occupation of the development, each unit shall be provided with a travel information pack, including information for residents regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car clubs and include a £50 oyster card contribution in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (21) **Access operation:** No part of the development shall be first occupied unless and until the proposed modified access onto Kiln Lane has been constructed and provided with visibility zones in general accordance with the approved plans (GA)02-PL3) and thereafter shall be permanently retained and maintained

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (22) **Access widening:** The development shall not be first occupied unless and until the existing private access road has been widened to 5m between Kiln Lane and the access to the proposed parking area, in general accordance with (GA)02-PL3, and thereafter shall be permanently retained and maintained

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (23) **Existing access:** The development hereby approved shall not be first occupied unless and until the existing vehicular access from the site onto East Street has been permanently closed and any kerbs, verge, footway, fully reinstated, subject to a design agreed with the County Highway Authority to retain an element of dropped kerb to allow for wheeled bin access.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021

and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (24) **Car 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 for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (25) **Tactile Paving:** Prior to the occupation of the development, details of tactile paving shall be submitted to and approved in writing by local planning authority. It shall include details of such paving as laid where the pavements meet the road into the Development Site and implemented prior to first occupation of the development hereby permitted. Thereafter the tactile paving shall be retained and maintained for its designated purpose.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (26) **Hours of work:** Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations or deliveries of materials relating to the construction of the development, 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

- (27) **Compliance with Ecology Report:** The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the letter, by WE, January 2023 and supporting Reports. The approved measures shall thereafter be maintained for the life of the development

**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

- (28) **Compliance with Energy and Sustainability Report:** The development shall accord with the Energy and Sustainability Report (ref: Envision, Rev C, 26th January 2023) to ensure that the proposal delivers sustainability measures compatible with the Local Planning Authority's requirements for sustainable design and construction. The requirements within the report shall be implemented prior the first occupation of the development and thereafter maintained for the life of the development.

**Reason:** To accord with sustainable design and construction, in accordance with Policy CS6 of the Core Strategy 2007

- (29) **Obscure glazing:** 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) and all communal windows on the north-eastern elevation (facing towards 113 East Street) 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

**Reason:** To protect the amenities and privacy of the proposed new residential property in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Development Management Policies Document (2015)

- (30) **Car Park Management Plan:** Prior to the occupation of the development, a Car Park Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan must allocate car parking spaces to the flats and set out how car parking shall be managed on the site. Car parking spaces shall be clearly signed (e.g., wall mounted signage, painted demarcation on the hard surface) and maintained throughout the lifetime of the development.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019. To accord with NPPF 2019: Section 9 Promoting Sustainable Transport, and Epsom and Ewell Core Strategy 2007 and Epsom and Ewell Development Management Policies 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) 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. More details are available on SCC LLFA website
- (5) 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. Sub ground structures should be designed so they do not have an adverse effect on groundwater
- (6) If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence
- (7) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway

or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme). The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

- (8) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (9) 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) 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)
- (11) 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. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- (12) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway

(13) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

4 23/00079/FUL PENECHROFT, 19 DOWNS AVENUE, EPSOM, SURREY, KT18 5HQ

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in objection to the application

The Applicant spoke in support of the application.

**Description:**

Erection of a two storey dwelling following demolition of existing bungalow.

**Officer Recommendation:**

To grant Planning Permission, subject to Planning Conditions.

**Decision:**

Following consideration, the Committee resolved (7 for, 1 against, 1 abstaining, and the Chair not voting) to:

**GRANT planning permission, subject to the following conditions:**

**Conditions:**

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

Site Location Plan at 1:1250

Drawing Number 19DA-PE-001/Rev 1

Drawing Number 19DA-SP-001/Rev 1

Drawing Number 19DA-ss-001/Rev 1

Drawing Number DA-FP-001/Rev 0



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

- (3) Prior to the commencement of development hereby approved, details and samples 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 Policy DM10 of the Development Management Policies (2015).

- (4) Prior to the commencement of development hereby approved, full details, of both hard and soft landscape proposals, including 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 (with the exception of planting, seeding and turfing) shall be implemented prior to 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) The development hereby approved shall not be first occupied until details of the siting and scale of bird boxes and bat boxes, log piles, hedgehog permeability and other enhancements are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

**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.

- (6) 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 first use/or occupation of the cemetery 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) The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access

Statement, Revision 2 dated 20 May 2023, prior to the first occupation of the building, 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

- (8) The windows on the north elevation of the development hereby permitted shall be non-opening to a height of 1.7m from the internal finished floor level and glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained.

**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.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed in the north or south elevations of the development hereby approved without the written permission of the Local Planning Authority.

**Reason:** To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015.

- (10) 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 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) It is an offence to cause harm to protect species. Should the presence of bats be discovered during any tree removal or demolition works, works must immediately cease on site and Natural England contacted on 0300 060 3900 for further advice.
- (3) 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.

- (4) 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.
- (5) 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".

## 5 22/01294/FUL DEVELOPMENT SITE AT 24-28 WEST STREET, EPSOM

The Committee received a presentation from the Principal Planning Officer. The Principal Planning Officer noted during the presentation that a number of slides were missing. To allow for the Committee to receive accurate and up-to-date information, the Chair adjourned the meeting at 20:48 in order for Officers to

resolve the issue. The meeting resumed at 20:54, the Officers having updated the presentation to include the missing slides.

The Agent spoke in support of the application.

**Description:**

Demolition of existing building and construction of a new part 5 and part 6 storey building containing 20 residential units and associated development.

**Officer Recommendation:**

Part A: To grant Planning Permission, subject to a S106 agreement being completed within six months of the date of the decision, under Heads of Terms, and subject to Planning Conditions and Informatives.

Part B: To authorise the Head of Place to refuse the application in the event that the Section 106 Legal Agreement referred to in Part A is not completed within six months of the date of the resolution by the Planning Committee.

**Decision:**

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

- a) As a result of its overall height, design and density, the proposed development would fail to integrate with the character and appearance of the area, to the detriment of the existing town character and therefore, in accordance with paragraph 134 of the National Planning Policy Framework (2021), should be refused. The proposal would be contrary to Policies CS1 and CS5 of the Epsom and Ewell Core Strategy (2007), Policies DM9, DM10 and DM13 of the Epsom and Ewell Development Management Policies (2015) and Policy E7 of the Plan E Area Action Plan (2011).
- b) The proposal would result in the loss of a good quality Conservation Area building that makes a positive contribution to the character and appearance of the Epsom Town Centre Conservation Area, for which no suitable replacement has been made. The proposal would therefore cause less than significant harm to the heritage asset that would not be outweighed by the public benefits of the scheme. The proposal would therefore fail to accord with Section 72 of the Listed Buildings and Conservation Area Act 1990, paragraph 202 of the National Planning Policy Framework (2021), Policy DM8 of the of the Epsom and Ewell Development Management Policies (2015) and the relevant paragraphs of the NPPF 2021.
- c) The proposal results in the reduction of a shared cycleway/footway and encourage manoeuvring of vehicles across a pedestrian and cyclist zone. The proposals would therefore interfere with the space designated to pedestrians and cyclists, and could cause danger and inconvenience to

how non-motor highway users manoeuvre along Station Approach. This would lead to conditions prejudicial to highway safety contrary to the objectives of the National Planning Policy Framework (2021), policy DM 35 of the Epsom and Ewell Borough Council Development Management Policies, objective 3 of the Surrey Transport Plan 2022 - 2032 'To provide well-connected communities that encourage social mobility and ensure no-one is left behind' and the Surrey Local Transport Plan (4).

Councillor Bernie Muir seconded the proposal.

The Committee voted (4 for, 5 against, and the Chair not voting) against the motion

Councillor Clive Woodbridge proposed that the question be now put. Councillor Julian Freeman seconded the proposal. The Chair subsequently put the question to the vote.

The Committee resolved (6 for, 3 against, and the Chair not voting) to:

**Part A: Grant planning permission, subject to conditions and informatives as stipulated below, and subject to a Section 106 Agreement being completed and signed within six months of the date of the resolution by the Planning Committee, under the following heads of terms:**

- **The provision of two on site affordable housing units (10%). The affordable units are proposed as 1 no. affordable rent and 1 no. shared ownership.**
- **Tree planting; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agree with the Council's Tree Officer) shall be met by the developer.**
- **S278 Agreement for car-club and management; within six months of the occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.**
- **Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted**
- **No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 D.**
- **Monitoring fee (drafting of Section 106 agreement) of £1,200.**

**Part B: Authorise the Head of Place to REFUSE the application in the event the Section 106 Legal Agreement referred to in Part A is not completed**

**within six months of the date of the resolution by the Planning Committee, for the following reason:**

- (1) In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the Core Strategy 2007 in relation to the provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.**

**Conditions:**

- (1) 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) The development hereby permitted shall be carried out in accordance with the following approved plans and reports:**

Drawing Number 100.00 - Existing Site Location Plan

Drawing Number 101.00 - Existing Site Block Plan

Drawing Number 102.00 - Existing Floor Plans

Drawing Number 310.00 – Proposed South Elevation

Drawing Number 311.01 – Proposed East Elevation

Drawing Number 312.00 – Proposed West Elevation

Drawing Number 313.00 – Proposed North Elevation

Drawing Number 301.01 – Proposed Site and Ground Floor Plan

Drawing Number 302.01 – Proposed First Floor Plan

Drawing Number 303.01 – Proposed Second Floor Plan

Drawing Number 304.01 – Proposed Third Floor Plan

Drawing Number 305.01 – Proposed Fourth Floor Plan

Drawing Number 306.01 – Proposed Fifth Floor Plan

Drawing Number 307.01 – Proposed Sixth Floor Plan

Drawing Number 308.00 – Proposed Seventh Floor Plan

Drawing Number 309.01 – Proposed Site and Roof Plan

Drawing Number 315.00 – Proposed Site Section

Drawing Number 314.01 – Proposed Street Scene

Drawing Number 182191-001 Rev D - Proposed Delivery Access Arrangements

Fire Risk Assessment entitled '622466-MLM-ZZ-XX-CO-YF-0001-REV01' (Nov 2020)

Arboricultural Impact Assessment entitled SHA 691 REV D (Oct 2020)

Daylight/Sunlight Assessment entitled 'RC/ROL00282 (14 Oct 2020)

Preliminary Risk Assessment entitled 'P1481J1366/TE' (APRIL 2018)

Flood Risk Assessment entitled 'NO. 182191-02' (July 2019)

Transport Assessment entitled 'NO. 182191-01B' (Nov 2020)

Noise and Vibration Assessment E2660 (August 2019)

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

- (3) 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.

- (4) Prior to the commencement of development, a mock-up shall be prepared on site which shall include example of all external surfaces and materials as well examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. This mock-up shall be approved by the local planning authority and shall retained on site. Now work shall be carried out otherwise than as to conform to this approved mock-up.

**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 DM8, DM9 and DM10 of the Development Management Policies 2015.

- (5) Prior to any demolition taking place, details of the proposed artwork or the incorporation of retained features from the east elevation of the existing

building into the proposed design shall be submitted and approved in writing with the Local Planning Authority. The agreed details shall be installed and maintained in perpetuity.

**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 DM8, DM9 and DM10 of the Development Management Policies 2015.

- (6) Prior to any demolition taking place, a written and photographic record of 24-28 West Street to Level 2 of 'Understanding Historic Buildings' by Historic England 2016 shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To accord with paragraph 205 2021 of the National Planning Policy Framework to ensure that a record is made of the heritage asset before it is demolished.

- (7) Prior to any demolition taking place, The Charles Brooking Collection shall be permitted to visit the building and identify architectural features of note which are worthy of preservation. If requested by The Collection, one of each item shall be carefully removed and given and delivered free of charge and cost to the Brooking Collection. If requested by The Brooking Collection, this shall include a photograph of each feature in situ, and details of its location in the house

**Reason:** To accord with paragraph 205 of the National Planning Policy Framework 2021 to ensure that a record is made of the heritage asset before it is demolished.

- (8) 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 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.

- (9) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site for residents and visitors have been provided in accordance with the approved plans, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of



the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be first occupied unless and until details of Electric Vehicle charging and electric cycle charging points have been submitted to 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 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (11) No development shall commence until a Construction Transport Management Plan, to include details of:

parking for vehicles of site personnel, operatives and visitors

loading and unloading of plant and materials

storage of plant and materials

programme of works (including measures for traffic management)

provision of boundary hoarding behind any visibility zones

HGV deliveries and hours of operation

vehicle routing

measures to prevent the deposit of materials on the highway

before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

on-site turning for construction vehicles

measures to ensure the footway/ cycleway are not obstructed during construction

Measures to ensure that the highway is not obstructed during Epsom Derby Week

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

**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 2021, and to satisfy policies DM35 and DM36 of

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

- (12) The development hereby approved shall not be first occupied unless and until the existing access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

**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 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (13) The development hereby approved shall not be first occupied unless and until the required Traffic Regulation Order for the proposed loading bay has been designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**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 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (14) Within six months of first occupation the required Traffic Regulation Order for the proposed car club bay shall be designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**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 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (15) The development hereby permitted shall not commence 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:

Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.65 l/s.

Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt

traps, inspection chambers etc.), this should include details of the proposed Blu-roof system.

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.

Details of drainage management responsibilities and maintenance regimes for the drainage system.

Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (16) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the 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 the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, in consultation with the Environment Agency and Thames Water, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

- (18) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

- (19) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:

a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants (including asbestos) 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.

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.

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.

- (20) The development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted Noise and Vibration Assessment, prepared by Entran, dated June 2022. Prior to occupation of the site, the applicant shall submit evidence to the local planning authority that this mitigation has been installed and/or commissioned as necessary.

**Reason:** To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (21) 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 Document 2015.

- (22) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015.

- (23) The development hereby permitted shall be carried out in strict accordance with the recommendation set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.

**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.

- (24) No development shall commence on site until details of the siting and scale of bird boxes and bat boxes are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

**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.

- (25) The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by DAP Architecture Ltd and dated June 2022, prior to the first occupation of the building, 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.

- (26) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency

**Reason:** In order to comply with Policy CS6 of the Core Strategy 2007 and Policy DM12 of the Development Management Policies 2015.

- (27) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

**Reason:** To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives, 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 scheme to implement waiting restrictions or other relevant works to regulate or restrict the operation of the highway shall first require a Traffic Regulation Order or Notice prior to use. The alteration of the Traffic Regulation Order or creation of a new Order or Notice is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event that the implementation of waiting restrictions or other works requiring an Order or Notice is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to first occupation of the development. Any alternative scheme or works shall be implemented prior to the occupation of any dwellings to the satisfaction of the Local Planning Authority.
- (5) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (6) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice)
- (7) 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).

- (8) The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (9) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- (10) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade\\_effluent@thameswater.co.uk](mailto:trade_effluent@thameswater.co.uk).
- Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- (11) Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
- (12) There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- (13) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our



guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water at [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

- (14) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- (15) There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- (16) Sub ground structures should be designed so they do not have an adverse effect on groundwater.
- (17) Network Rail requests the applicant / developer engages Network Rails Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rails Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.
- (18) The application site is adjacent to Network Rail land required for the future delivery of Crossrail 2 which would mean a higher frequency of trains operating out of Epsom Station than at present.
- (19) Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage,

to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design

- (20)** Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order.
- (21)** Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
- (22)** Fire safety information in accordance Regulation 38 of the Building Regulations should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
- (23)** Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
- (24)** Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to: protect life; protect property, heritage, the environment and our climate; help promote and sustain business continuity; and permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- (25)** The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.
- (26)** The applicant is advised that prior to the first occupation of any part of the development hereby approved, details of the measures to be incorporated within the development to minimise the risk of crime to a level that would achieve Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The security

measures shall be installed within each dwelling, in accordance with the approved details prior to the occupation of that dwelling and confirmation that Secured by Design accreditation has been achieved shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the occupation of the final dwelling. The development shall be retained as such thereafter.

**6 SUPPLEMENTARY INFORMATION - UPDATE REPORT**

The Committee received and noted the report listing potential applications for consideration at forthcoming Planning Committee meetings, and providing a Quarterly Development Management Performance update.

*The meeting began at 7.30 pm, was adjourned between 8.48 pm – 8.54 pm, and ended at 9.58 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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