

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 21 July 2022 at 7.30 pm

Place: Council Chamber - Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/8511073644383812110>

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Telephone (Listen only): +44 20 3713 5022, Telephone Access Code: 175-301-678

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds  
(Chair)  
Councillor Phil Neale (Vice-Chair)  
Councillor Kate Chinn  
Councillor Alex Coley  
Councillor Nigel Collin  
Councillor Neil Dallen

Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Peter O'Donovan

Yours sincerely

Interim Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

### **EMERGENCY EVACUATION PROCEDURE**

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and

- Do not re-enter the building until told that it is safe to do so.

## Public information

**Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.**

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk) , telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

### Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

### Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

### Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

## **Guidance on Predetermination /Predisposition**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### **Predisposition**

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### **Pre-determination / Bias**

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **2. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 16)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on 16 June 2022 (attached) and authorise the Chairman to sign them.

### **3. CHAMBER MEAD OPEN SPACE, GREEN LANES, WEST EWELL, SURREY (Pages 17 - 30)**

Diversion of the Green Lanes Stream of its current confluence with the Hogsmill River. Creation of new channel. Installation of a new 12m span bridge over the proposed new channel.

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**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber,  
Epsom Town Hall on 16 June 2022**

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**PRESENT -**

Councillor Humphrey Reynolds (Chair); Councillor Phil Neale (Vice-Chair); Councillors Kate Chinn, Nigel Collin, Neil Dallen, Liz Frost (as nominated substitute for Councillor Alex Coley), David Gulland, Steven McCormick and Peter O'Donovan

Absent: Councillor Alex Coley, Councillor Previn Jagutpal, Councillor Jan Mason and Councillor Lucie McIntyre

Officers present: Justin Turvey (Planning Development Manager), Lidia Harrison (Principal Solicitor), Gemma Paterson (Principal Planning Officer) and Stephanie Gray (Senior Democratic Services Officer)

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**1 DECLARATIONS OF INTEREST**

Declarations of Interest

Councillor Neil Dallen CBE, Other Interest: Item 4: 24 South Street, Epsom

In the interests of openness and transparency, Councillor Neil Dallen declared that he is Chair of the Strategy & Resources Committee, and would leave the Council Chamber when the item was discussed.

Declarations of Interest

Councillor Steven McCormick, Other Interest: Item 4: 24 South Street, Epsom

In the interests of openness and transparency, Councillor Steven McCormick declared that he had called the item in, however this had proved unnecessary as the item had already been placed on the agenda of the meeting.

**2 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting of the Committee held on 21 April 2022 were agreed as a true record and signed by the Chair.

**3 3 ROY RICHMOND WAY, EPSOM, SURREY**

Description

Demolition and replacement of existing two storey ancillary offices and change of use of existing bus servicing facility (sui generis) to builders merchant (sui generis) for display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage along with storage

racking with ancillary kitchen joinery showroom, car parking and service arrangements, fencing and associated works

#### Decision

The Committee received a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved unanimously (the Chair not voting) to APPROVE the application 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:

Drawing Number 8179\_LP  
Drawing Number 8179/05 Rev B  
Drawing Number 8179/06 Rev B  
Drawing Number 8179/08\_03 Rev B

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

3. The materials and finishes of the development hereby permitted shall match those of the existing dwelling unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies (2015).

4. No part of the development shall be first occupied unless and until the proposed modified vehicular accesses to Roy Richmond Way have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1000mm high.

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).

5. 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 and cycles to be parked and for vehicles to turn so that they may enter and leave the site in

forward gear. All cycle parking shall be secure, covered and lit. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

6. 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) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) measures to prevent the deposit of materials on the highway
- g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h) on-site turning for construction vehicles

have 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).

7. The development hereby approved shall not commence trading until 20% of the proposed car parking spaces are provided and fitted with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and another 20% of spaces are to be provided with the power supply to provide additional fast charge sockets 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).

8. The development hereby approved shall not commence trading until the existing eastern access from the site to Roy Richmond Way 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).

9. The development hereby approved shall not commence trading until a Travel Plan is submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Framework Travel Plan' document. The approved Travel Plan shall be implemented on first trading and for each and every subsequent trading of

the development, thereafter maintained and developed 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 application will be required to enter into a Section 278 agreement with the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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).

11. The development hereby permitted shall not commence (with the exception of site clearance) 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 NPPF and the accompanying PPG.

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

12. 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, 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF and Policy CS 6 of the Epsom and Ewell Core Strategy (2007).

13. The development hereby permitted shall not be commenced (with the exception of site clearance) until such time as a schemes to install oil and petrol separators have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The scheme shall:

- a) be designed and constructed to have a capacity compatible with the area being drained.
- b) be installed prior to the occupation of the development and thereafter maintained for the lifetime of the development.

Reason: To ensure the proposed development does not have a negative impact on the Water Framework Directive (WFD) status of the nearby Green Lane Stream Main River.

14. The development hereby permitted shall not be commenced (with the exception of site clearance) until such time as a schemes to dispose of foul and surface water have

been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the proposed development does not have a negative impact on the Water Framework Directive (WFD) status of the nearby Green Lane Stream main river. This is in line with Paragraph 174 of the NPPF and Policy CS6 of the Epsom and Ewell Core Strategy (2007).

15. Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

- i. a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- ii. if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

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).

16. Prior to the commencement of trading on site, the approved remediation scheme prepared under Condition 15 must be carried out in accordance with its terms. Following completion, 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 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).

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 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).

### **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 permission hereby granted shall not be construed as authority to carry out any 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 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).

5. 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).

6. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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.

7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

8. 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.

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. The Environment Agency agree with the recommendation to remove all USTs and that a watching brief and relevant validation sampling should be undertaken during excavation of below ground tanks and any pipework.

11. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

12. The Environment Agency recommends that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

13. Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates

supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

14. Contaminated materials/soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

15. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

16. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information.

**4** 22/00509/RES 24 SOUTH STREET, EPSOM, KT18 7PF

Description

Removal of Condition 4 (Secure Parking of Bicycles) of planning permission 21/00044/FUL

Decision

The Committee received a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved (7 in favour, 0 against and 0 abstentions, with the Chair not voting) to APPROVE the application to remove condition 4 from planning application 21/00044/FUL subject to the following conditions:

1. The development hereby permitted shall be commenced within three years from the date of the decision of planning application 21/00044/FUL.

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. The development hereby permitted shall be carried out in strict accordance with the approved drawings associated with planning application 21/00044/FUL:

24SSRP002/2 Proposed plans

24SSRP002/4 Proposed elevations  
24SSRP002/6 Proposed elevations and roof plan

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. The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form associated with 21/00044/FUL

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. Soundproofing shall be provided to ensure that the flats for residential purposes sharing a party element with the ground floor premises to which this planning permission relates shall receive a minimum airborne sound insulation on the party element which achieves DnT'w of 60 dB before the first use of the development hereby approved. The soundproofing shall be retained thereafter in perpetuity.

Reason: To ensure that the occupiers of the flat units do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the premises in the National Planning Policy Framework 2019 and 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. The applicant is advised of the following with regard to waste servicing:

- All new tenants will need to be advised of the limited waste collection service:
- Collections will be for refuse and mixed recycling (in separate sacks) only.
- On collection days, sacks must be left out for collection on the pavement in front of the building from 6.30am.
- Sacks must not be left on the pavement in between collections.
- For domestic occupants collections will take place once a week.
- For trade occupants, collections frequency will be negotiable, with the cost reflecting the frequency as per the Council's prevailing fees and charges.

**5 PLANNING APPEALS UPDATE**

The Committee noted the report setting out recent planning appeal decisions relating to non-householder developments, which had been received by the Planning Service.

The meeting began at 7.30 pm and ended at 7.55 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

**Chamber Mead Open Space, Green Lanes, West Ewell, Surrey**

Ward:	West Ewell Ward
Site:	Chamber Mead Open Space Green Lanes West Ewell Surrey
Application for:	Diversion of the Green Lanes Stream of its current confluence with the Hogsmill River. Creation of new channel. Installation of a new 12m span bridge over the proposed new channel and proposed interpretation boards and outdoor furniture (including benches)
Contact Officer:	Ginny Johnson

**1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QTTOH8GYKTU00>

**2 Summary**

- 2.1 The Hogsmill River, comprising a chalk stream, is an internationally important habitat, which currently suffers from sources of pollution. The proposal seeks to divert a tributary of the Hogsmill River, the Green Lanes Stream, through Chamber Mead meadow, enabling a nature-based solution to mitigate some of the impacts on the Hogsmill River from road runoff, misconnections, and overflows from Epsom Storm Tanks.
- 2.2 The proposal would trap sediment and contaminants and provide a level of treatment to polluted water. This would create clean, plentiful water and thriving plants and wildlife. This is an opportunity to enhance biodiversity and improved engagement with the natural environment. The proposal complies with relevant National and Local planning policies.
- 2.3 Specific details of the treatment proposal are included within the accompanying Design and Access Statement. Simply put, biological treatment of pollutants includes aquatic plant uptake and metabolism, chemical treatment of pollutants includes dissolved nutrients, including phosphate and nitrate and physical treatment of pollutants includes settling of sediments and pollutants via gravity (the sediment trap encourages the settling of sediment by reducing flow velocities, achieved through the creation of wide features with large cross sections).
- 2.4 Officers recommend approval of this planning application. Subject to planning permission being granted, Conditions and Informatives are required.**

**3 Site description**

- 3.1 The Application Site ('Site') comprises a wildflower meadow within open space. It is commonly known as "Chamber Mead".

3.2 The Site lies adjacent to the Hogsmill River, which is to the north and east of the Site. This Green Lanes Stream is to the south of the Site. There are residential properties to the east, south and west of the Site, beyond allotment gardens and the Hogsmill River.

3.3 The Site is subject to a Statutory Local Nature Reserve Conservation designation.

#### **4 Proposal**

4.1 The Hogsmill River, comprising a chalk stream, is an internationally important habitat, which currently suffers from sources of pollution. The proposal seeks to divert a tributary of the Hogsmill River, the Green Lanes Stream, through Chamber Mead meadow, enabling a nature-based solution to mitigate some of the impacts on the Hogsmill River from road runoff, misconnections, and overflows from Epsom Storm Tanks.

4.2 The proposal would trap sediment and contaminants and provide a level of treatment to polluted water. This would create clean, plentiful water and thriving plants and wildlife. This is an opportunity to enhance biodiversity and improved engagement with the natural environment.

4.3 Specific details of the treatment proposal are included within the accompanying Design and Access Statement. Simply put, biological treatment of pollutants includes aquatic plant uptake and metabolism, chemical treatment of pollutants includes dissolved nutrients, including phosphate and nitrate and physical treatment of pollutants includes settling of sediments and pollutants via gravity (the sediment trap encourages the settling of sediment by reducing flow velocities, achieved through the creation of wide features with large cross sections).

4.4 A summary of the benefits arising from the proposal include:

- Up to 1,000m<sup>2</sup> of wetlands habitat creation within a Local Nature Reserve
- Reduced risk to health from contaminants and sewage-based pathogens
- Enhanced aesthetic values
- Outdoor educational opportunities for local schools
- Improved community amenity
- Flood risk mitigation.

4.5 The proposal is classified as a major planning application, due to the Site's area (2.07 hectares).

#### **5 Comments from third parties**

5.1 The application was advertised by means of letters of notification to 527 neighbouring properties. To date, 37 letters of support have been received regarding the ecological enhancements/benefits arising from the proposal. 1 letter of objection has been received, setting out that issues of pollution should be addressed at source.

#### **6 Consultations**

- SCC Highways: recommend Condition(s)
- SCC Archaeology: recommend Condition(s)
- SCC SUDS: recommend Condition(s)
- Environment Agency: no objection
- EEBC Design and Conservation Officer: no objection
- EEBC Ecology: no objection
- EEBC Environmental Health: no objection
- EEBC Tree Officer: generally supportive, require further information. Officers consider this could be dealt with by Condition.

6.1 A Site Notice was displayed and the application advertised in the local paper.

## 7 Relevant planning history

7.1 There is no available planning history directly relating to this Site.

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 8	Promoting healthy and safe communities
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment

### Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS4	Open Spaces and Green Infrastructure
Policy CS6	Sustainability in New Developments

### Development Management Policies Document 2015

Policy DM4	Biodiversity and New development
Policy DM5	Trees and Landscape
Policy DM7	Footpath, Cycle and Bridleway Network

### Epsom & Ewell Biodiversity Action Plan 2020-30

### Hogsmill Local Nature Reserve Management Plan 2017-2117

## 9 Planning considerations

### Principal of development

#### *Policies*

- 9.1 Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development.
- 9.2 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of national and local biodiversity action plans in terms of species and habitat.
- 9.3 Policy CS4 sets out that emphasis will continue to be placed on protecting and enhancing the two Open Spaces, including the Hogsmill River.
- 9.4 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
  - there is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
  - there are imperative reasons of overriding public interest for the development

- 9.5 The Epsom & Ewell Biodiversity Action Plan 2020-30 sets out that Epsom and Ewell contain much of the catchment of the Hogsmill River, including several tributaries and associated ponds. The first section of the river is chalk stream, which is an internationally important habitat. It is hoped that during the lifetime of the Biodiversity Action Plan, a wetlands scheme with reedbeds incorporated will be created on Chamber Mead.

*Habitat conservation and enhancement*

- 9.6 The Planning Statement that accompanies this application sets out that the Hogsmill River is a rare chalk river. There are approximately 200 chalk rivers globally. Chalk rivers and streams are listed as “UK Biodiversity Action Plan Priority Habitats”, meaning that they are identified as a priority for conservation. Their value is recognised in the Epsom & Ewell Biodiversity Action Plan.
- 9.7 The Planning Statement sets out that the Hogsmill River currently fails to achieve “Good Status” under the Water Framework Directive. This is due to several factors including point and diffuse pollution. There is a target for all watercourses to achieve “Good Status” by 2027.
- 9.8 The Planning Statement sets out that the proposal seeks to divert a tributary of the Hogsmill River, the Green Lanes Stream, through Chamber Mead meadow. The proposed new channel would follow a winding path, passing through a constructed sediment trap and wetlands, before entering back into the Hogsmill River, approximately 200 metres further downstream from where the Green Lanes Stream currently flows into the Hogsmill River.
- 9.9 The Planning Statement sets out that the sediment trap and wetlands would trap sediment and contaminants and provide a level of treatment to polluted water. This would assist in delivering the “25 Year Environmental Plan goals”, to achieve clean, plentiful water and thriving plants and wildlife. The proposal is a nature-based solution to mitigate some of the impacts on the Hogsmill River from road runoff, misconnections, and overflows from Epsom Storm Tanks. This provides an opportunity to enhance the Borough’s biodiversity resource and raise awareness of the natural environment, both key objectives within the Epsom & Ewell Biodiversity Action Plan. Additionally, the proposal seeks interpretation boards and outdoor furniture, including benches.
- 9.10 The Planning Statement sets out that the project is included in the Hogsmill Local Nature Reserve Management Plan. The existing area of Chamber Mead is identified as grassland habitat in the Management Plan and since 2014, the area has undergone annual cutting and clearing to develop the area as a wildflower meadow. This proposal would lead to a reduction in grassland, but the management of this has been incorporated into the scheme’s design. Where the proposed watercourse and wetlands would effectively split the area of Chamber Mead in half, continued access to both the northern and southern sections would be provided to allow continued cutting and clearing of the area, allowing continued management as a wildflower meadow. The proposal also retains public access along both formal and informal footpaths around Chamber Mead.
- 9.11 The Planning Statement sets out that Chamber Mead wetlands was identified as a potential project in the Thames River Basin Management Plan and would help to address priority issues identified for the Hogsmill Catchment area.

*Partnership working*

- 9.12 The Planning Statement sets out that partnership working has taken place, with a range of groups, including Epsom & Ewell Borough Council, to deliver a number of enhancement projects. This project represents a continuation of this successful partnership.

*Engagement and education*

- 9.13 The Planning Statement sets out that a key focus for the proposal is to improve engagement with the natural environment. The Hogsmill Local Nature Reserve is a high quality, assessable and popular open space, but the river suffers from sources of pollution, which creates a barrier to the safe enjoyment of this.
- 9.14 The Planning Statement sets out that the stepping stones would be protected from pollution originating from the Green Lanes Stream as a result of this proposal, as the proposed new channel would connect downstream of this area. This would enable the general public to enjoy the Hogsmill River in a safer way than currently experienced.
- 9.15 The Planning Statement sets out that the wetlands would form a striking new feature in an already popular area of green space, giving the urban community access to a rich and biodiverse environment. The South East Rivers Trust would use this opportunity to raise awareness of the value rivers have to wildlife and people, to meet the Hogsmill Catchment Plan aim, relating to community engagement and education.

*Officer comments*

- 9.16 The Hogsmill River, comprising a chalk stream, is an internationally important habitat, which currently suffers from sources of pollution. This proposal seeks to divert a tributary of the Hogsmill River, the Green Lanes Stream, through Chamber Mead meadow, to enable a nature-based solution, to mitigate some of the impacts on the Hogsmill River from road runoff, misconnections, and overflows from Epsom Storm Tanks.
- 9.17 The proposal would trap sediment and contaminants and provide a level of treatment to polluted water. This would create clean, plentiful water and thriving plants and wildlife. This is an opportunity to enhance biodiversity and improved engagement with the natural environment.
- 9.18 The proposal complies with relevant National and Local Planning Policies, including CS3, CS4 and the Epsom & Ewell Biodiversity Action Plan.

Design*Policies*

- 9.19 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance
- 9.20 Policy DM10 sets out that development proposals shall have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

*Design and Access Statement*

- 9.21 A Design and Access Statement (DAS) accompanies this application, which sets out details of the scheme's design. It includes a "project summary", which is set out below:
- 9.22 The DAS sets out that the Green Lanes Stream will be diverted. The newly created channel will flow a winding path through Chamber Mead meadow, passing through a constructed sediment trap and wetlands, before entering back into the Hogsmill River, approximately 200 metres further downstream.

- 9.23 The DAS sets out that the proposal would protect approximately 200 metres of chalk stream from polluted inputs associated with the Green Lanes Stream by moving its confluence with the Hogsmill River further downstream beyond the stepping stones. By passing flows through the sediment trap and wetlands, the impact on a further 8.5km of the Hogsmill downstream of Chamber Mead would be reduced. The project would also deliver biodiversity and amenity improvements and natural flood management benefits.
- 9.24 A new bridge is proposed across the new channel, downstream of the wetlands, in order to maintain public access from the south of Chamber Mead towards the stepping stones. The bridge measures approximately 12 metres in length, designed to Highways Agency Bridge Codes and Euro Codes. It would be accessible to pedestrians, including wheelchair users and cyclists. Further details can be found on drawing ref: 103 Rev B04 – Foot Bridge & Bank Protection Works Plan & Sections – dated 20.05.2021.
- 9.25 Interpretation boards would be installed to spread awareness and understanding of the Hogsmill River, the pressures it faces, and the work being carried out to address this.

*Officer comments*

- 9.26 The Local Planning Authority's Design and Conservation Officer formally commented on this application, on 11.10.2021, confirming no objection.
- 9.27 Officers are satisfied with the principal of the proposal, which is to divert a tributary of the Hogsmill River, to provide better water and thriving plants and wildlife.
- 9.28 Limited details are provided with regards to interpretation boards or other equipment, including benches, for example. Subject to planning permission being granted, Officers recommend a Condition is included, requiring details to be submitted to and approved by the Local Planning Authority. Ecology

*Policies*

- 9.29 Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development.
- 9.30 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of national and local biodiversity action plans in terms of species and habitat.
- 9.31 Policy CS4 sets out that emphasis will continue to be placed on protecting and enhancing the two Open Spaces, including the Hogsmill River.
- 9.32 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
  - there is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
  - there are imperative reasons of overriding public interest for the development
- 9.33 The Epsom & Ewell Biodiversity Action Plan 2020-30 sets out that Epsom and Ewell contain much of the catchment of the Hogsmill River, including several tributaries and associated ponds. The first section of the river is chalk stream, which is an internationally important habitat. It is hoped that during the lifetime of the Biodiversity Action Plan, a wetlands scheme with reedbeds incorporated will be created on Chamber Mead.

*Technical reports*

- 9.34 A Preliminary Ecological Assessment (comprising a Phase 1 Habitat Survey, Protected Species Assessment and Ecological Evaluation of the Chamber Mead meadow and environs) dated August 2019, accompanies this application. It contains recommendations and measures to avoid direct impacts to birds and mammals, as well as to maintain the ecological functionality of the Site.
- 9.35 A Reptile Survey, dated October 2019, accompanies this application. It sets out that during the desk study and survey, no records of reptiles were found at the Site. The report sets out recommendations, should planning permission be granted.
- 9.36 A Badger Survey Report, dated December 2020, accompanies this application.

*Consultations*

- 9.37 Natural England formally commented on this application on 26.10.2021, setting out that the proposal is a beneficial development for the area and would clean up the Hogsmill River chalk stream greatly compared with the current situation where overflows are going straight into it. The creation of a wildlife rich series of settling/filtration ponds for the purposes of cleaning up the inputs from the Green Lanes Stream before they join the Hogsmill would see a net gain in the area. The biodiversity net gain principle is encouraged, so this development (should it be granted permission) would provide a net overall gain in biodiversity on the Site upon completion of the proposal.
- 9.38 The LPA's Ecologist formally commented on this application, setting out that the surveys are satisfactory, and that the project is supported due to its overall gain for biodiversity.

*Officer comments*

- 9.39 Officers are satisfied with the principal of the proposal, which is to divert a tributary of the Hogsmill River, to provide better water and thriving plants and wildlife.
- 9.40 The technical documentation submitted with this application has been reviewed by the LPA's Ecologist, who confirms that these are satisfactory. The proposal is supported by the LPA's Ecologist and Natural England.
- 9.41 The proposal complies with relevant National and Local Planning Policies, including CS3, CS4 and the Epsom & Ewell Biodiversity Action Plan.

Flood Risk*Policies*

- 9.42 Policy DM19 sets out that development within Flood Risk Zones 2 & 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding, will not be supported unless (inter alia) a Flood Risk Assessment is submitted.

*Technical documents*

- 9.43 A Flood Risk Assessment (FRA) accompanies this application. This considers the potential flood risk to the proposed Site, as well as the potential impact of the project on flood risk elsewhere.
- 9.44 The FRA sets out that the proposal is 'Water-compatible development', appropriate within Flood Zone 3. The risks to the Project from flood risk is considered to be low.

- 9.45 The FRA sets out that water levels upstream of the weir at Eastcroft Road will not be increased as a result of this proposal. Any increases in water level downstream of the weir do not result in an increase in flood risk to any properties.
- 9.46 The FRA sets out that the proposal will provide a small flood risk benefit downstream by reducing peak flows.
- 9.47 The FRA sets out that the proposal would not adversely impact flood risk to other areas from surface water, groundwater and sewers.

#### *Consultations*

- 9.48 The Environment Agency (EA) emailed the Case Officer on 14.09.2021, setting out that it had some issues with the modelling provided and that a detailed review would need to be undertaken.
- 9.49 Officers asked for an update from the EA, following its email on 14.09.2022. On 25.05.2022, the EA confirmed via email to the Case Officer that as there is no intention to discharge foul drainage to ground from the proposed development, it has no comments on the drainage scheme from a groundwater protection perspective. The EA note that "soakaways" have been identified as a potential means for disposal of surface water. The Applicant should note that the Site lies on London Clay, which is impermeable, thus infiltration is unlikely to be suitable. Other drainage methods should be considered. The EA confirmed it is satisfied with the proposal and has no objection.
- 9.50 SCC LLFA formally commented on this application. It is satisfied that the proposed drainage scheme meets the requirements (set out in the aforementioned documents) and is content with the development proposed. It recommends Conditions, should planning permission be granted.

#### *Officer comments*

- 9.51 Officers are satisfied with the principal of the proposal, which is to divert a tributary of the Hogsmill River, to provide better water and thriving plants and wildlife.
- 9.52 The technical documentation submitted with this application has been reviewed by the Environment Agency and SCC LLFA. There is no objection, subject to conditions, should planning permission be granted.
- 9.53 The proposal complies with relevant National and Local Planning Policies, including DM19.

#### Trees and Landscaping

##### *Policies*

- 9.54 DM5 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by:
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows;
  - continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
  - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.

- 9.55 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 9.56 Every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed. Where removal is required, sound justification will be sought, supported by appropriate evidence such as health, public amenity, street scene or restoration of an historic garden. In the case of arboriculture evidence, this will be provided by a suitably qualified individual.

#### *Consultations*

- 9.57 The LPA's Tree Officer commented on this application, generally supporting the scheme, but with clarifications required from the Applicant.
- 9.58 The Applicant provided a response on 15.06.2022 and the Tree Officer responded on 30.06.2022.
- 9.59 In the Tree Officer's latest response (30.06.2022), an explanation was required, as to why the proposal does not seek new tree establishment, as high numbers of trees on the Hogsmill Local Nature Reserve will be lost through ash dieback. The Tree Officer requested "a few" native trees, suggesting *Tilia Cordata*, *Carpinus Betulus*, *Acer Campestris*, *Sorbus Torminalis* and *Crataegus*.

#### *Officer comments*

- 9.60 In line with the drawings submitted with this application, two ash trees are proposed to be removed. It is considered reasonable to require replacement tree planting, but it is not considered reasonable to require the Applicant to provide new tree planting to replace ash trees at risk of ash dieback that do not form part of this planning application. Subject to planning permission being granted, Officers recommend that a landscaping plan, including a schedule of landscape maintenance and an Arboricultural Method statement, is subject to Conditions.
- 9.61 The proposal is considered to comply with Policy DM5, subject to appropriate Conditions being attached to any planning permission granted.

### Archaeology

#### *Policies*

- 9.62 Policy DM8 sets out that within Areas of High Archaeological Potential or on any major development site of 0.4ha or greater, Applicants are required to undertake prior assessment of the possible archaeological significance of the site and the implications of their proposals, and may be required to submit, as a minimum, a desk-based assessment to accompany any application. Where desk-based assessment suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation in order to inform the determination of the application.

#### *Technical reports*

- 9.63 An Archaeological Desk Based Assessment accompanies this application. It sets out that the potential of the Site means that redevelopment is unlikely to have an adverse archaeological impact. It suggests recommendations, should planning permission be granted.

#### *Consultations*

- 9.64 SCC Archaeology formally commented on this application, on 22.09.2021. It recommends a Condition, should planning permission be granted.

*Officer comments*

- 9.65 Officers are satisfied with the principal of the proposal, which is to divert a tributary of the Hogsmill River, to provide better water and thriving plants and wildlife.
- 9.66 The technical documentation submitted with this application has been reviewed by SCC Archaeology. There is no objection, subject to conditions, should planning permission be granted.
- 9.67 The proposal complies with relevant National and Local Planning Policies, including DM8.

Transport

*Policies*

- 9.68 DM35 sets out that the impact of new development on the transport network will be assessed against other plan policies and transport standards.

*Consultations*

- 9.69 SCC Highways formally commented on the application on 05.10.2021, recommending Conditions and Informatives to be attached to any planning permission granted. Within the "Note to Planner", it sets out that the proposed works do not fall within the public highway, but proposed works are within close proximity to an existing right of way. The "Note to Planner" sets out that the Applicant has confirmed that the existing right of way would not be impacted by the proposed works. Should this change, Surrey Countryside Access Team should be consulted.
- 9.70 The "Note to Planner" also sets out that the Applicant anticipates 20 lorries visiting the Site per day throughout construction, which is anticipated to last for 10 weeks. Vehicular access to the Site is limited to residential roads which are restricted in width due to on street parking. The County Highway Authority recommends a Construction Transport Management Plan Condition to manage the impacts of construction vehicle traffic travelling to and from the Site.

*Officer comments*

- 9.71 Officers are satisfied with the principal of the proposal, which is to divert a tributary of the Hogsmill River, to provide better water and thriving plants and wildlife.
- 9.72 The proposal and its technical documentation submitted with this application has been reviewed by SCC Highways. There is no objection, subject to a conditions, should planning permission be granted.
- 9.73 The proposal complies with relevant National and Local Planning Policies, including DM15.

**10 Conclusion**

- 10.1 The Hogsmill River, comprising a chalk stream, is an internationally important habitat, which currently suffers from sources of pollution. The proposal seeks to divert a tributary of the Hogsmill River, the Green Lanes Stream, through Chamber Mead meadow, representing a nature-based solution to mitigate some of the impacts on the Hogsmill River from road runoff, misconnections, and overflows from Epsom Storm Tanks.

- 10.2 The proposal would trap sediment and contaminants and provide a level of treatment to polluted water. This would help to create clean, plentiful water and thriving plants and wildlife. This is an opportunity to enhance biodiversity and improved engagement with the natural environment. The proposal complies with relevant National and Local planning policies.
- 10.3 Officers recommend approval of this planning application. Subject to planning permission being granted, Conditions and Informatives are required.

## 11 Recommendation

- 11.1 Grant planning permission, subject to Conditions.

### Condition(s):

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

SERT\_101 Version 2 – Location Plan – dated 18.05.2021  
 SERT\_102 Version 3 – Existing Site Plan – dated 18.05.2021  
 SERT\_122 Version 2 - Indicative Post-Construction Access – dated 19.05.221  
 SERT\_105 Version 3 - Plan Showing Section Locations – dated 20.05.2021  
 SERT\_111B Version 2 - Indicative Temporary Access (Zoomed) – dated 19.05.2021  
 SERT\_106Version 2 - Existing Channel Sections – dated 20.05.2021  
 SERT\_103 Version 3 – Proposed Site Plan – dated 18.05.2021  
 SERT\_108 - Sediment Trap and Wetland Sections – dated 20.05.2021  
 SERT\_110 Version 2 - Surface Water Interception and New Outfall – dated 20.05.2021  
 SERT\_107 Version 2 - Proposed Channel Sections – dated 20.05.2021  
 103 Rev B04 – Foot Bridge & Bank Protection Works Plan & Sections – dated 20.05.21  
 SERT\_109 Version 2 – Additional Section – dated 20.05.2021  
 102 Rev B04 – Green Lane Stream Improvements – dated 20.05.2021  
 SERT\_104 Version 1 - Existing and Proposed Levels – dated 21.05.2021

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. Prior to the commencement of development, full details of interpretation boards, outdoor seating and other visitor facilities, 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. No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

5. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the

hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

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

6. The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Preliminary Ecological Assessment dated August 2019, Reptile Survey, dated October 2019 and Badger Survey Report dated December 2020. The approved measures shall thereafter be maintained.

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

7. 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:

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

Reason: To ensure the design does not increase surface water flood risk on or off site.

8. 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) programme of works (including measures for traffic management)
- (e) HGV deliveries and hours of operation
- (f) details of largest vehicles to be used
- (g) vehicle routing, including swept path analysis of all vehicles to be used during construction (including the manoeuvres from and onto Chessington Road), review of any weak structures and bridges, and accounting for potential conflicts with highway trees
- (h) measures to prevent the deposit of materials on the highway including wash down facilities and suitable management of run off and dry down area,
- (i) on-site turning for construction vehicles
- (j) details of any temporary traffic regulation orders and parking suspensions required
- (k) arrangements for delivery of the new bridge onto site
- (l) details of any impacts on existing rights of way, including on public footpath no. 9

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 should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021), and to satisfy policy DM35 of the Epsom and Ewell Development Management Policies (2015)

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority

Reason: To accord with Paragraph 205 of the NPPF which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage

assets to be lost (wholly or in part) in a manner proportionate to their importance and to make this evidence (and any archive generated) publicly accessible

10. No development shall take place until 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.

11. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

### **Informatives**

1.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 our website.

2.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.

3.If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

4.The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

5.The developer is advised that Public Footpath Number 9 crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

6.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

7.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

8. The applicant can find further useful information from CIRIA's website at [www.ciria.org.uk](http://www.ciria.org.uk) (Environment Agency)

9. Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework