

**Minutes of the Meeting of the PLANNING COMMITTEE  
held on 3 December 2015**

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**PRESENT -**

Councillor Humphrey Reynolds (Chairman); Councillor Michael Arthur (Vice-Chairman); Councillors John Beckett, Alex Clarke (as nominated substitute for Councillor Tina Mountain), Neil Dallen, Robert Foote, Jan Mason, Peter O'Donovan, Martin Olney, Clive Smitheram, Mike Teasdale and David Wood

Absent: Councillor Tina Mountain and Councillor Vince Romagnuolo

Officers present: Adele Castle (Planning Development Manager), Louise Mathie (Solicitor), John Robinson (Planning Officer) and Sandra Dessent (Democratic Services Officer)

**27 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting of the Planning Committee held on 05 November 2015 were agreed as a true record and signed by the Chairman.

**28 DECLARATIONS OF INTEREST**

Declarations of Interest are recorded against the relevant item on the Agenda.

**29 PLANNING APPLICATION 15/00992/FUL - RYEBROOK STUDIOS, WOODCOTE SIDE, EPSOM KT18 7HD**

***Description***

Demolition of single-storey former office building and the erection of a part two/part three-storey building, accommodating 14 self-contained flats, with 20 associated surface and lower ground floor level car parking spaces.

***Decision***

**PERMITTED** subject to the following conditions:

**Subject to a legal agreement being completed and signed by 12 January 2016 to secure the following heads of terms:**

**a) 2 affordable flat units, (2 two bedroom rental units)**

**b) A commuted sum of £104,147**

The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

- (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) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of 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 Document 2015.

- (3) Prior to the occupation of any part of the development hereby permitted, privacy screens to the balconies/terraces shall be erected as per the approved plans. The development shall be carried out in accordance with the approved details and the screens shall be retained.

**Reason:** In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies Document 2015.

- (4) 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 DM10 of the Development Management Policies Document 2015.

- (5) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning

authority. The approved statement shall be adhered to throughout the construction period and shall include:

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

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

- (6) No operations involving the bulk movement of earthworks and or materials to or from the development site shall commence until facilities have be provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority to so far as is reasonably practicable prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.

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

- (7) Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use

of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- (8) Access to any flat roofed area of the development hereby permitted shall be for maintenance or emergency purposes only and the flat roof shall not be used as a balcony, roof garden, patio or similar amenity area.

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

- (9) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for 20 vehicles and 24 cycles to park and turning areas provided to enable vehicles to enter and leave the site in forward gear. The parking and turning areas shall be permanently retained exclusively for its designated purpose.

**Reason:** To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015.

- (11) Contaminated Land:

#### 1.1 Submission of Remediation Scheme

A detailed remediation scheme 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

historic environment must be prepared, and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **1.2 Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in full accordance with the approved details prior to the commencement of development, other than the work required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme and prior to the first occupation of the site, a verification report that demonstrates the effectiveness of all the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. This must include a certificate of completion by an appropriate person.

### **1.3 Reporting of Unexpected Contamination**

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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.1 and approved in writing 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, Policy DM17 of Development Management Policies 2015.

### **2.0 Condition - Ground Gas**

The development hereby permitted shall not be occupied and/or brought into use until a scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme will be fully implemented in accordance with the approved details, which includes the following measures:

- (1) A comprehensive site survey by a competent person shall determine:
  - (i) The existence, depth, extent and character of any filled ground, and
  - (ii) The existence, extent and concentrations of any ground gas (VOCs and carbon dioxide) with the potential to reach the application site. As well as a risk assessment determining the risk to the occupiers of the proposed development from gas, the risk from leachate and or other contaminants should also be assessed. The requirements of the Local Planning Authority shall be fully established before the site survey is commenced.

and/or

- (2) The requirements of a written scheme have been implemented and completed by a competent person detailing measures to contain, manage and/or monitor any gas with the potential to reach the application site. The scheme shall be agreed in writing with the Local Planning Authority and implemented prior to commencement of the development. A closure report shall be submitted to the Local Planning Authority upon completion of the works and before commencement of the development. The closure report shall detail the remediation works carried out and any post remediation sampling and analysis to show that the site has reached the required standard for the particular development. No deviation shall be made from this scheme.

**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, Policy DM17 of Development Management Policies 2015.

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

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

- (13) Prior to construction of the development hereby approved, detailed designs of the SuDS elements and drainage elements must be submitted to and approved by the local planning authority. This must include a drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and design drawings including long and cross sections of each of the proposed SuDS elements

**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.

- (14) Before the commencement of the construction of the development hereby approved, details of how the Sustainable Drainage System will be protected and maintained during construction shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details

**Reason:** To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (15) Before the commencement of the construction of the development hereby approved, details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite, must be submitted to and approved by the local planning authority.

**Reason:** To ensure that the proposal has fully considered system failure 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 to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

**Reason:** To ensure that the Sustainable Drainage System has been constructed as per the agreed scheme, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (17) Prior to the first occupation of the development, a maintenance plan detailing SuDs maintenance frequencies and who will own

and maintain the assets needs to be submitted to and approved by the local planning authority. The Sustainable Drainage System shall be implemented and thereafter managed and maintained in accordance with the agreed details supplied within the submitted Maintenance Document.

**Reason:** To ensure an acceptable maintenance regime is in place for the Sustainable Drainage System within the development over its lifetime, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

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

|                                  |               |
|----------------------------------|---------------|
| Proposed Lower Ground Floor Plan | 0641/RS/110   |
| Proposed Upper Ground Floor Plan | 0641/RS/111 B |
| Proposed First Floor Plan        | 0641/RS/112 A |
| Proposed Second Floor Plan       | 0641/RS/113 A |
| Proposed Roof Plan               | 0641/RS/114   |
| Existing Elevations              | 0641/RS/200   |
| Existing Elevations              | 0641/RS/201   |
| Proposed Elevations              | 0641/RS/210 B |
| Proposed Elevations              | 0614/RS/211 A |
| Proposed Elevations/Sections     | 0641/RS/212 A |
| Proposed Sections/elevations     | 0641/RS/213   |

**Reason:** For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

You will receive more information regarding the CIL in due course.



**More information and the charging schedule are available online**  
<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) **The water efficiency standard required under condition 9 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.**

**The applicant is advised that this standard can be achieved through either:**

- (a) **using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or**
- (b) **using the water efficiency calculation methodology detailed in the AD Part G Appendix A.**
- (4) **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.**
- (5) **You are advised that the preferred material for the brick elevations to the approved scheme are London Stock bricks.**

**Part B:**

**In the event that the section 106 Agreement referred to in Part A is not completed by 12 January 2016, the Head of Place Development be authorised to refuse the application for the following reasons:**

- (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 CS9 (Affordable Housing) of the 2007 Core Strategy in relation to the provision of one affordable housing unit and a commuted sum in lieu of on-site provision of affordable housing.**

*Note: The Committee noted that in response to concerns regarding access to the rear of the building, the Applicant had agreed to investigate the possibility of erecting bollards to prevent unauthorised parking.*

*The Committee noted verbal representations from a ward Councillor, Councillor Liz Frost, a Consultant of the Applicant and an Objector. Letters of representation from local residents were published on the Council's website and*

*made available to the public and members of the Committee in advance of the meeting.*

- 30 PLANNING APPLICATION 15/00761/FLH - 49 NONSUCH WALK, CHEAM SM2 7LG

**Description**

Hip-to-gable roof alteration and erection of rear dormer.

**Decision**

**REFUSED** for the following reasons:

- (1) **By reason of its location, scale, bulk and form, the proposal would form a dominant and incongruous addition that would fail to respect the roof form and appearance of the host building. The proposal would have a significantly harmful impact on the character of the host building and on the wider appearance of the street scene and therefore fails to comply with the requirements of Section 7 of the National Planning Policy Framework (2012), and Policies DM9 and DM10 of the Development Management Policies Document (2015).**
- (2) **By reason of its mass and the position of windows in the side elevation, the proposal would be unduly overbearing and cause an unacceptable loss privacy to 47 Nonsuch Walk. The application therefore fails to comply with the requirements of Policy CS5 of the Local Development Framework Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).**

**Informative(s):**

- (1) **The plans considered in the determination of this application are as follows: Drawing Numbers PB-15/49NON/15, PB-15/49NON/06A and PB-15/49NON/07.**
- (2) **You are advised that the following policies and/or proposals in the development are relevant to this decision:**  
**National Planning Policy Framework**  
**Section 7 Design**  
  
**Local Development Framework - Core Strategy 2007**  
**Policy CS1 Creating Sustainable Communities**  
**Policy CS5 Built Environment**  
  
**Development Management Policies Document (2015)**  
**Policy DM9 Townscape Character and Local Distinctiveness**  
**Policy DM10 Design Requirements for New Developments**

*Note: In the interests of openness and transparency Councillor David Wood declared that the property where he resides was situated within view of the application being discussed and therefore withdrew from the Chamber for this item.*

*The Committee noted a verbal representation from Ward Councillor, Councillor Graham Dudley. Letters of representation from local residents were published on the Council's website, and had been made available to the public and members of the Committee in advance of the meeting.*

- 31 PLANNING APPLICATION 15/01049/FLH - 4A LYNWOOD AVENUE, EPSOM KT17 4LQ

**Description**

Replacement windows, patio door, back door and roof lantern.

**Decision**

**PERMITTED** subject to the following 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) Prior to the commencement of development, a sample of a typical replacement window and/or frame section, 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 and DM10 of the Development Management Policies 2015.

- (3) The replacement windows hereby permitted shall be "Crown" aluminium 52mm framed units as detailed on the "Crown Window System" schedule.

**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) The development hereby permitted has been assessed in accordance with the following documents: “Crown” casement window specification; “Crown” window brochure; “Crown Window System” typical sections.

**Reason:** For the avoidance of doubt to ensure that the development is carried out in accordance with Policies DM8, DM9 and DM10 of the Development Management Policies 2015

**Informative:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

## 32 SITE VISITS

The Committee reviewed appropriate site visits and decided that a visit should be held at the appropriate time in connection with the following applications:

- Salesian College Sports Ground, Old Schools Lane, Ewell, KT17 1TJ – Ref: 15/00845/FUL

*The meeting began at 7.30 pm and ended at 8.50 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)