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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 18 January 2018 at 7.30 pm

Council Chamber - Epsom Town Hall

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 (Chairman)	Councillor Tina Mountain
Councillor David Reeve (Vice-Chairman)	Councillor Peter O'Donovan
Councillor Michael Arthur	Councillor Martin Olney
Councillor John Beckett	Councillor Vince Romagnuolo
Councillor Lucie Dallen	Councillor Clive Smitheram
Councillor Neil Dallen	Councillor David Wood
Councillor Jan Mason	

Yours sincerely

A handwritten signature in black ink that reads 'J.C. Belden'.

Chief Executive

For further information, please contact Sandra Dessent, tel: 01372 732121 or email: sdessent@epsom-ewell.gov.uk

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 3 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 14 December 2017 (attached) and authorise the Chairman to sign them.

3. PLANNING APPLICATION 17/00946/FUL - SKATE PARK, LONG GROVE PARK, LONG GROVE, EPSOM KT19 8TF (Pages 13 - 20)

Installation of additional concrete multi-use skate facility.

4. PLANNING APPLICATION 17/00535/FUL - MAYFIELD LAVENDER 139 REIGATE ROAD, EWELL KT17 3D6 (Pages 21 - 32)

Erection of a replacement shop, extension to car park, extension to outside plant sales area, use of part of an existing glasshouse for a tearoom/lecture room, and engineering and landscaping works in association with the proposed development (as amended).

5. PLANNING APPLICATION 17/00387/FUL - YOYO DROPIN CENTRE, 24 SOUTH STREET, EPSOM KT18 7PF (Pages 33 - 42)

Change of use of offices at first and second floors to create 2 new residential units (amended description).

6. SITE VISITS (Pages 43 - 44)

Members are asked to put forward any applications which it is considered warrant a site visit.

7. PLANNING MEMBERS' CODE OF CONDUCT, PUBLIC SPEAKING RULES, DELEGATION SCHEME AND CALL-IN PROCEDURE (Pages 45 - 70)

The Planning Improvement Action Plan adopted at the 13 November meeting of the Planning Committee contains a number of actions that involve changes to the practices and procedures around the consideration and determination of planning applications. This report seeks the adoption of a new range of procedures that directly relate to the work of the Planning Committee. These take account of comments and recommendations in the Planning Peer Challenge report – October 2017 and of changes in the law and the latest advice on best practice from the Local Government Association and the Planning Advisory Service.

Minutes of the Meeting of the PLANNING COMMITTEE held on 14 December 2017

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor David Reeve (Vice-Chairman); Councillors Michael Arthur (left the Council Chamber at 19.35 and returned 20.25), John Beckett, Kate Chinn (as nominated substitute for Councillor Vince Romagnuolo), Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, Clive Smitheram, David Wood and Tella Wormington (as nominated substitute for Councillor Neil Dallen)

Absent: Councillor Lucie Dallen, Councillor Neil Dallen and Councillor Vince Romagnuolo

Officers present: Mark Berry (Head of Place Development), Claire Beesly (Assistant Solicitor), John Robinson (Planning Officer) and Sandra Dessent (Democratic Services Officer)

40 DECLARATIONS OF INTEREST

In the interests of openness and transparency the following declarations were made:

Planning Application 16/01325/FUL - 13 Ashley Road, Epsom KT18 5AQ
Councillor Michael Arthur MBE FCIQB FCMI, Other Interest: Employed by Epsom Methodist Church which is situated adjacent to the application site. Councillor Arthur left the chamber for the duration of the item.

Planning Application 17/00880/FUL - Horton Golf and Country Club, Hook Road, Epsom KT19 8QG
Councillor Peter O'Donovan, Other Interest: Is a member of Horton Golf and Country Club.

41 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 9 November 2017 were agreed and signed as a true copy by the Chairman.

42 PLANNING APPLICATION 16/01325/FUL - 13 ASHLEY ROAD, EPSOM KT18 5AQ

Description

Erection of an apartment building comprising 2 three bed units and 2 two bed units with basement parking and cycle/residential storage (Description amended and amended drawings received 27.11.2017)

Decision

Planning permission is **PERMITTED** subject to the following conditions:

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 external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (3) 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 landscape scheme should incorporate appropriate native trees, hedge and shrub species. 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.

- (4) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 5 cars and a minimum of 4 bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking area shall be used and retained exclusively for its designated use.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

- (5) **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) **HGV deliveries and hours of operation**
 - (g) **vehicle routing**
 - (h) **measures to prevent the deposit of materials on the highway**
 - (i) **before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused**
 - (j) **no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am and 3.15 and 4.00 pm (adjust as necessary according to individual school start and finish times) nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Heathcote Road, The Parade, Ashley Avenue or any other adjacent roads during these times.**

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 and to accord with the provisions of Policy CS16 of the Core Strategy 2007

- (6) **The development hereby approved shall not be first occupied unless and until the proposed vehicular / cycle / modified access to Ashley Road has 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 measured from 0.6m above the road surface.**

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

- (7) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

- (8) 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).

- (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) No development shall take place until details and location of the installation of bat and bird boxes to enhance the biodiversity interest of the site have 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.

- (11) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on

Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015

- (12) The windows in the southern flank elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3, and shall thereafter be permanently retained as such.**

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

- (13) All new photo voltaic panels or tiles shall be fitted flush with the adjoining roof surface and shall not project beyond the plane of the roof.**

Reason: To safeguard the visual amenities of the area and to ensure a satisfactory appearance to the buildings in accordance with policy DM9 and DM10 of the Development Management Policies Document 2015

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

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

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

J002347/ PL 03B; J002347/ PL 04C; J002347/ PL 05E; J002347/ PL 06D;

J002347/ PL 09F

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

Informatives:

- (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) **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.

- (3) **The applicant is encouraged to erect an appropriate warning sign advising of the restricted height limit to the basement parking area.**
- (4) **The applicant is advised to allocate parking spaces to each flat unit.**
- (5) **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/residents/planning/planning-advice/community-infrastructure-levy-cil-guidance>

The Committee noted verbal representations from an objector and the agent for the application. Letters of representation had been published on the Council's website and were available to the public and members of the Committee in advance of the meeting.

43 PLANNING APPLICATION 17/00893/FUL - 6 THE GROVE, EPSOM KT17 4DQ

The Committee were informed that the application had been withdrawn at the request of the applicant

44 PLANNING APPLICATION 17/00880/FUL - HORTON GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM KT19 8QG

Description

Erection of kitchen extension to club house and new yard enclosure.

Decision

Planning permission is **PERMITTED** subject to the following conditions:

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) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 16042/120, 16042/121, 16042/124.

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 and as shown on drawings 16042/124

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.

Informatives

- (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) The applicant is advised that it is considered any further extensions to the club house are unlikely to be permitted because this would probably exceed the 30% maximum increase in the volume of an original building situated in the Green Belt as required under Policy DM3 'Replacement and extensions of buildings in the Green Belt.'

- 45 PLANNING APPLICATION 17/00988/FUL - HOBLEDOWN, HORTON LANE, LANE, EPSOM, KT19 8PTD

Description

Addition of timber and netting outdoor play structure.

Decision

Planning application is **PERMITTED** subject to the following conditions:

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) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: D00743 Rev 05; D007443 Rev 04; D007441 Rev 04; Planning, Design and Access Statement dated September 2017.

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 and as specified in the Planning, Design and Access Statement.

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.

Informatives

- (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.

- 46 PLANNING APPLICATION 1700835/FLH - 7 WOODLAND CLOSE, EWELL, KT19 OBQ

Description

New (raised) flat roof to flank extension, conversion of garage to a habitable room, new decking to rear.

Decision

Planning permission is **PERMITTED** subject to the following conditions:

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) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

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.

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

Plan1 : Proposed floorplans; Plan2 : Proposed flank elevation ; Plan 3 Proposed rear elevation; Plan 4 Proposed front elevation;

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

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

Note: In the interests of openness and transparency members of the committee indicated that they were known to the applicant. However, it was not considered that it would affect their consideration of the item.

47 REPORT ON RECENT PLANNING APPEAL DECISIONS

The Committee were informed that following the conclusion of the Planning Improvement Peer Challenge in September 2017, officers and members were in the process of producing an Improvement Plan and that part of the recommendation had been to regularly report the outcome of appeals and

highlight any results that may assist members to better understand the appeals process.

To that end the Committee were provided with eight appeal summaries and the following comments were made:

- Sunninghill, Downs Avenue was interesting in relation to the affordable housing aspect of the appeal. Members of the committee had also been provided with a copy of the Statement on the Exemption of small sites from Development Contributions (Affordable Housing) which had been agreed at the Licensing and Planning Policy on 7 December. Members noted that it although the statement was considered robust, the success of the policy could not be predicted but officers were encouraged by the success that Elmbridge Borough Council had had applying their policy despite the influence of the Ministerial Statement.
- Out of the eight appeals only one had been allowed. This was an indication that sound reasons for refusal were being applied.
- The decision on Young Farmers Hut, Reigate Road, strengthened the case that new development on the green belt was not acceptable.

48 SITE VISITS

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

- Chalk Lane Hotel, Chalk Lane, Epsom KT18 7BB – 17/01275/FUL
- 346 Chessington Road, West Ewell, KT19 9EG – 17/01274/FUL

The meeting began at 7.30 pm and ended at 9.20 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

Skate Park Long Grove Park Long Grove Road Epsom Surrey

Installation of additional concrete multi-use skate facility.

Ward:	Ruxley
Contact Officer:	John Robinson

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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OWU6UPGYHXQ00>

2 Summary

The application site comprises the Council owned Long Grove Park. This application seeks permission for the installation of an additional concrete multi-use skate facility.

2.1 **The application is recommended for APPROVAL** as it involves policy compliant open recreational Green Belt use and there are no significant visual, residential amenity or other significant concerns relating to the proposal.

3 Site description

3.1 The application site, comprises a section of open grassed land, adjacent to the existing skate park in Long Grove Park.

3.2 The overall site is located to the south west of Grove Road and falls within the Green Belt. The site is bounded to the north by a parking area beyond which are the grounds of the Southfield Park Primary School. To the north west the site is bounded by a group of three storey flat blocks, forming part of the Livingstone Park development. To the south are the rear gardens of residential properties fronting Horton Hill.

4 Proposal

4.1 This application seeks permission for installation of an additional concrete multi-use skate facility.

4.2 The skate park would occupy a roughly rectangular area measuring 36.43 (l) x 8.7m (w). It would incorporate a number of ramps and platforms varying in height above ground level (+200mm - +1200mm).

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 14 neighbouring properties, and a site notice. To date (20.12.2017) 4 letters of objection have been received regarding:

- Increase in anti-social behaviour (noise and disturbance)
- Injuries to younger children
- Less space for kite flying, dog walking football games
- loss of open space

6 Consultations

6.1 Highways Officer: No comments.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
		None relevant	

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Para 79-92: Protecting Green Belt Land

Core Strategy 2007

Policy CS1 Sustainable Development
Policy CS2 Green Belt
Policy CS4 Open Spaces and Green Infrastructure
Policy CS5 Built Environment

Development Management Policies Document 2015

Policy DM4 Biodiversity
Policy DM6 Open space provision
Policy DM9 Townscape character and local distinctiveness
Policy DM10 Design requirements for new developments

9 Planning considerations

Principle of Development

- 9.1 In principle the proposal for a skateboard park structure within this area of the Long Grove Park is compatible with national Green Belt policy that allows for provision of appropriate outdoor recreation facilities as long it preserves the openness of the Green Belt and does not conflict with the purposes of it, including land within it.

Impact on Openness

- 9.2 The proposed skate park would have individual elements which would protrude above ground level at a maximum height of 1.2m. The skate park would be located adjacent to the existing skate park and would therefore not be viewed in isolation, but as a continuation of the “built-up” part of the park (comprising the existing playground, the car parking area, and the nursery and school buildings) along the northern and north east boundaries of Long Grove Park.
- 9.3 Overall, whilst it would have an impact on the openness of the Green Belt, the proposal would not represent a highly visible and intrusive form of development that would harm and erode the openness of the Green Belt. The proposal would therefore accord with the provisions of the NPPF and Policy CS2

Visual Amenity

- 9.4 The proposed design scale and massing of the structure would not appear out of place in the context of the existing skate board park in the immediate area.

Neighbour Amenity

- 9.5 It is considered that given the distance of at least 40m between the proposal and nearest dwellings within the Long Gove Park development together with existing landscaping between the two would mean that there would be only a minimal visual impact and that this would not in itself be harmful to the visual amenities of neighbouring occupiers.
- 9.6 The acceptable separation gap would mitigate any potential noise and disturbance arising from the new park and in any event anti-social behaviour is a matter for Surrey Police.
- 9.7 The proposed scheme would therefore not have a materially harmful impact on neighbour amenity and would accord with Policy DM10.

Biodiversity

- 9.8 It is recommended that a condition be imposed requiring the submission of a landscape plan for tree planting, which would mitigate any loss of biodiversity arising from the proposed scheme.

Community Infrastructure Levy

- 9.9 The scheme is not CIL liable

10 Conclusion

10.1 The application proposal is compatible with Green Belt policy and in terms of design, scale and appearance is considered to have no harmful impact on the residential amenity of neighbouring occupiers or upon the visual amenities of the area.

10.2 The scheme is therefore recommended for APPROVAL

11 Recommendation

11.1 Planning permission is **granted** 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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

- (2) **The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.**

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) **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 within 2 months of the completion 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 DM4, DM5 and DM9 of the Development Management Policies 2015.

- (4) **The development hereby permitted shall be carried out in accordance with the following approved documents:**

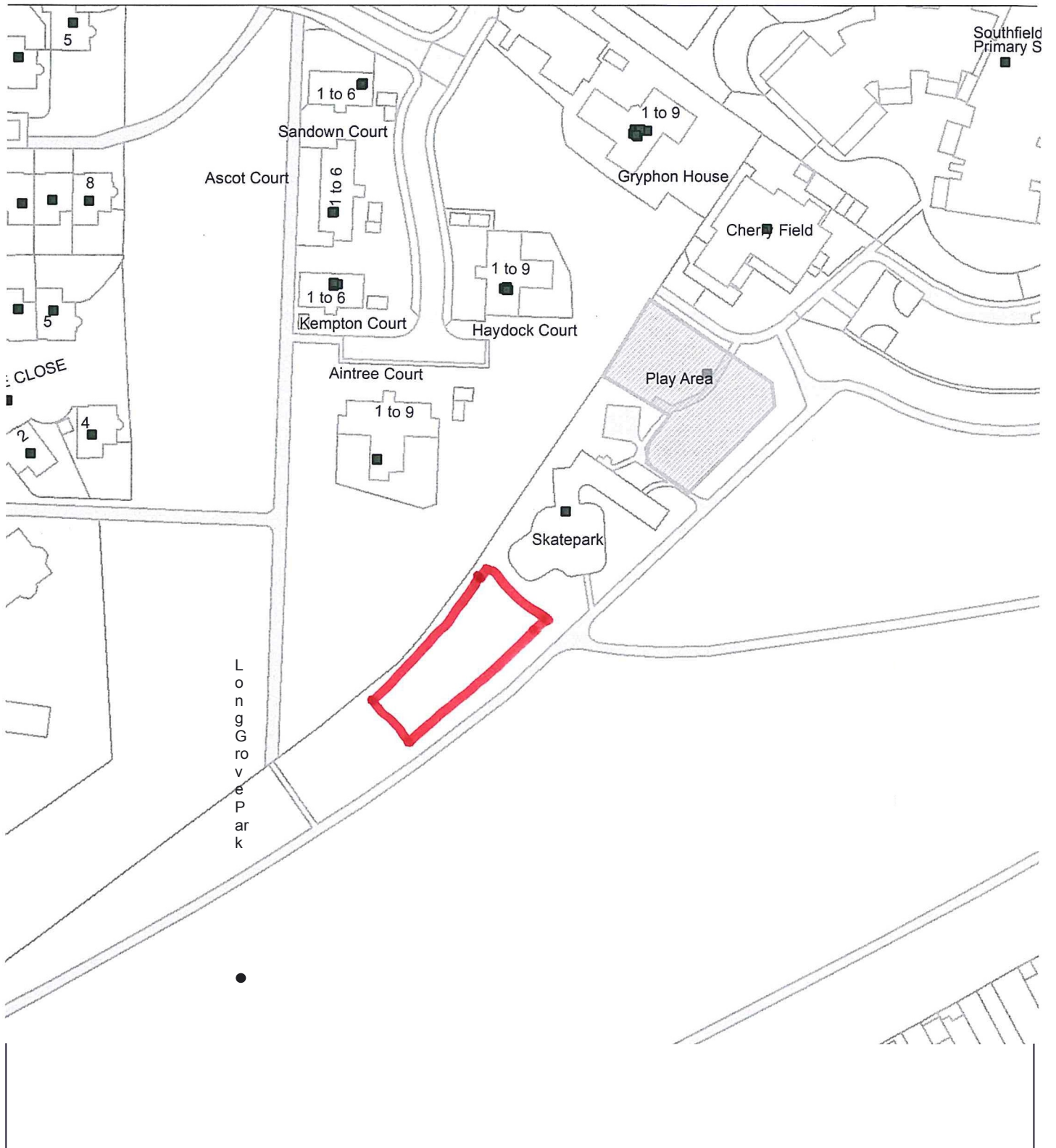
Drawing Gravity Long Grove Description and Gravity Long Grove Dimensions.

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

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.**

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Mayfield Lavender, 139 Reigate Road, Ewell, Surrey, KT17 3D6

Erection of a replacement shop, extension to car park, extension to outside plant sales area, use of part of an existing glasshouse for a tearoom/lecture room, and engineering and landscaping works in association with the proposed development (as amended).

Ward:	Nonsuch
Contact Officer:	John Mumford

1 Plans

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council's website, which is provided by way of background information to the report.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKN3LGYH7J00>

2 Summary

- 2.1 This application is for the erection of a replacement shop, extension to car park, extension to outside plant sales area, use of part of an existing glasshouse for a tearoom/lecture room, and engineering and landscaping works in association with the proposed development of the horticultural nursery which specialises in growing lavender.
- 2.2 The application site is located within the Green Belt and the application is referred to Committee for determination by Councillor David Wood.
- 2.3 **The application is recommended for APPROVAL** as it is considered that the proposal would not have an adverse impact on the openness of the Green Belt and there are no residential amenity or other significant concerns relating to the development.

3 Site description

- 3.1 The application site is situated on the eastern side of Reigate Road close to the Borough boundary. The site area is approximately 4.6 ha and mainly comprises open fields which include lavender growing fields and an orchard.
- 3.2 Close to the Reigate Road frontage is a small corrugated metal clad retail shop of 128 sq m that currently sells lavender together with lavender based products, garden plants, sundries and ornaments. To the side of the shop is an open sales area and in front of the shop is a compacted gravel customer car park providing about 19 spaces. There is a semi-detached house close to the car park and adjacent to the site entrance which is used as a staffroom, office and staff accommodation.

- 3.3 There are 7 separate polytunnels of various sizes ranging from 126 sq m to 410 sq m, 2 substantial glasshouses of 511 sq m and 589 sq m and 2 barn structures of 129 sq m and 56 sq m. The greenhouses are used for growing plants whilst the polytunnels and barns are largely used for storage of equipment and supplies in association with the horticultural use.
- 3.4 The site has a tree belt along the south-eastern boundary to the site which screens the site from the adjacent Drift Bridge farm situated to the south. There are also trees and shrubs along part of the Reigate Road frontage and hedging along the boundary with 137 Reigate Road. The site slopes down from the rear (north-east) towards Reigate Road.

4 Proposal

- 4.1 The application seeks permission to develop the site to enable the existing lavender growing business to expand and diversify into other areas linked with the growing of lavender.
- 4.2 The proposed development includes:
- Removal of existing shop and adjacent container and provision of expanded compacted gravel car parking area to double capacity to 41 spaces.
 - Removal/relocation of 2 polytunnels to enable provision of 28 space staff parking area/customer overflow parking on compacted gravel.
 - Erection of 166 sq m timber clad and glazed shop with pitched clay tiled roof which would include a 30 sq m kitchen/servery with mezzanine floor for use as business, lecturing and storage.
 - Conversion of 224 sq m of glasshouse No 3 into a shop area of which 101 sq m would comprise a small tea room (70 covers) /lecture area. The small café is proposed as an integral part of the overall nursery and would not open separately from the nursery. It is intended both as a 'showcase' for products derived from the plants and trees grown on site (for example lavender based teas, biscuits etc, fruit juices, herb based products) and an education facility for the proprietors to give talks and demonstrations on lavender, herbs, etc.
 - Relocation and extension of plant display and sales area to provide a total area of 1218 sq m adjacent to the new shop and glasshouse No 3 by relocating polytunnel 5.
 - Removal of polytunnel 12 to enable provision of service/storage yard on compacted gravel area.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 7 neighbouring properties and no representations have been received.

6 Consultations

6.1 Surrey County Council – Initially requested additional information on visitor numbers, staff numbers, details of tea room and access/circulation arrangements. Further information was provided by the application and on this basis Surrey County Council has confirmed that there are no objections subject to a condition requiring the modified highway access details to be submitted for subsequent approval and implementation prior to the use commencing.

7 Relevant planning history

Application number	Date	Application detail	Decision
15/01727/PREAPP	31.05.2016	Redevelopment of Mayfield Lavender Plant centre to include refurbished visitor centre comprising shop and cafe, ancillary buildings with associated landscaping and car parking.	Report completed

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Para 79-92 Protecting Green Belt Land

Core Strategy 2007

Policy CS1 Creating Sustainable Communities
 Policy CS2 Green Belt
 Policy CS4 Open spaces and green infrastructure
 Policy CS5 The Built Environment
 Policy CS6 Sustainability in New Development
 Policy CS11 Employment Provision
 Policy CS15 Role of local centres
 Policy CS16 Managing Transport and Travel

Development Management Policies 2015

Policy DM3 Replacement and extensions of buildings in the Green Belt
 Policy DM6 Open space provision
 Policy DM10 Design requirements for new developments
 Policy DM19 Development and Flood Risk
 Policy DM25 Development of employment premises
 Policy DM35 Transport and New Development
 Policy DM36 Sustainable Transport for new Development
 Policy DM37 Parking Standards

9 Planning considerations

Green Belt

- 9.1 Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings are inappropriate in the Green Belt. However, there are exceptions to this, including "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".
- 9.2 In addition "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" are also considered to be not necessarily inappropriate. Further guidance on this aspect of development within the Green Belt is given in the Council's Development Management Policies Document Policy DM3 which refers to extensions to buildings where the increase would be no greater than 30% above the volume of the existing building as not constituting inappropriate development.
- 9.3 The design of the replacement shop has been modified since submission to provide a lighter structure with more glazing resulting in a structure which has more of a horticultural appearance to reduce its visual impact. The removal of two existing polytunnels together with the existing shop and adjacent container would result in a net reduction of volume of buildings within the site of some 1,748 sq m. It is accordingly considered that the proposed replacement building and conversion of part of one of the existing glasshouses would not conflict with Green Belt policy.
- 9.4 The impact of the proposed scale of car parking area could be problematic in terms of maintaining the open character of the Green Belt but it is considered that this is sufficiently mitigated by the siting and compacted gravel surfacing treatment which would maintain the rural appearance of the site.
- 9.5 The open sales area would not directly impact on the openness of the Green Belt but together with the internal retail sales area needs to be controlled by planning condition 6 to ensure that the retail element remains ancillary to the primary function of the site as a horticultural nursery so that it does not have a negative impact on the vitality and viability of nearby Local Centres.
- 9.6 The applicant has stated that the business would be selling some 60% of plants and products which are grown or processed on site or at the applicant's other site near Banstead. It is proposed by further planning conditions to control the element of non-plant sales including any imported plants to 20% of the retail area and that this should be further restricted to sale of goods directly related to the horticultural use of the site and gardening. (Conditions 7 and 8)

Layout, Design and Scale.

- 9.7 The proposed shop would measure 18.7m x 6.8m x 6.6m which would be approximately 2.5m higher than the retained glasshouse to the rear and 1.6m higher than the existing shop building but given its siting further back from the Reigate road frontage together with the removal/relocation of nearby polytunnel structures it is considered that the visual impact would be acceptable.
- 9.8 The areas of hardstanding, apart from the expanded car parking area at the front which is partly occupied by the current shop building, are mainly occupied by polytunnels or existing hardstanding areas and do not result in further development of the site.
- 9.9 In conclusion the layout, scale and massing of the proposed development is appropriate for this Green Belt location.

Residential Amenity

- 9.10 Policy DM10 requires development to have regard to the amenities of occupants and neighbours, in terms of privacy, outlook, sunlight/daylight, noise and disturbance. It is considered that the scheme should not adversely impact on the amenity of the nearest residential occupiers at 135-137 Reigate Road and 141 Reigate Road given the existing boundary treatment to those properties that would largely screen the proposed development together with proposed new landscaping and removal of certain polytunnels. The existing low key access would need to be widened and provided with adequate sight-lines but subject to appropriate boundary treatment this should be visually acceptable. Whilst the proposal would be expected to generate additional traffic and visitors to the site and some additional associated noise it is not likely to result in an unacceptable impact on other aspects of residential amenity.

Local economic benefits

- 9.11 The applicant has confirmed that the number of projected staff would be 3 full-time and 5 part-time compared to the existing 3 full-time and 2 part-time. The proposed development would enable the business to diversify into other areas linked with the growing of lavender. More people are now wanting to learn more about the growing and use of lavender and it is proposed to hold lectures and courses for people to attend. It is also proposed to expand the planteria to offer a wider range of herbs and medicinal plants as well as cottage garden plants. The lavender field is an attraction which only opens during the flowering season (July to August). The nursery also has orchards which will include varieties of Old English apples and pears which will be pressed to make juice to be sold through the shop.

Parking and Access

- 9.12 The applicant has provided projected trip generation figures including the estimated car arrivals generated by the opening of the lavender fields during July and August. It should be noted that the lavender fields at the Reigate Road site are about 10% of the size of the lavender fields at Banstead. It is projected that the peak month would be around June when the Plant Centre sales and the proprietors give talks on the uses of lavender and conduct tours around the lavender growing areas prior to the harvesting of the flowers. This indicates a peak parking requirement of 33 on a Saturday in June which could be accommodated within the proposed car parking area. Surrey County Council have scrutinised the trip generation projections and are satisfied that the parking proposals are adequate.
- 9.13 The applicant has proposed to encourage visitors to the site to travel by means other than by car through advertising the bus service on their web site. The site is accessible by public footpath and it is proposed that cycle parking will be provided for both customers and staff.
- 9.14 Modified highway access details can be reserved by planning condition.

Landscaping

- 9.15 The layout plan indicates new planting within the car parking area and this can be reserved by planning condition.

Sustainability

- 9.16 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency. The applicant's Supporting Statement confirms that the building would be clad in sustainably sourced timber and heated through the use of energy derived from an air source heat pump installation. Roof water would be collected and recycled for the visitor toilets and for plant irrigation. Plant waste would be composted and used in the nursery production process.
- 9.17 There are existing water storage facilities on site and surface water drainage details can be reserved by planning condition.

Community Infrastructure Levy

- 9.18 The scheme would not be CIL liable.

10 Conclusion

- 10.1 The application proposal is compatible with Green Belt policy and in terms of design, scale and appearance is considered to have no harmful impact on the residential amenity of neighbouring occupiers or upon the visual amenities of the area.
- 10.2 In view of the above, it is recommended that planning permission is granted.

11 Recommendation

11.1 Planning permission is granted subject to the following conditions:

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) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MSC1654-04G, MSC1654-08E, MSC1654-09A, MSC1654-07B.

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 and as shown on MSC1654-08E.

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) The development hereby approved shall not be first opened for trading unless and until the proposed vehicular modified access to Reigate Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

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

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding

in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (6) No area of the development hereby permitted shall be used for the for the retail sale of goods except for the proposed building (shop), existing building 3.2 and the open sales area identified on Drawing No MSC1654-04G and those areas shall only be permitted to sell such goods in accordance with conditions 7, 8 and 9.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (7) The proposed building (shop), existing building 3.2 and open sales area identified on Drawing No MSC1654-04G must only be used for the sale of plants and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) except as permitted by conditions 8 and 9.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (8) No more than 301m² (20%) of the proposed building (shop), existing building 3.2 and open sales area identified on Drawing No MSC1654-04G shall be used for the sale of products directly related to the horticultural use of the site (excluding plants) together with the sale of goods directly related to indoor and outdoor gardens and gardening unless otherwise agreed in writing with the Local Planning Authority and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (9) The existing building 3.2 (seating area) identified on Drawing No MSC1654-04G must only be used for ancillary A3 café use and for no other purpose and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in

respect of a change of use of the seating area falling within Schedule 2, Part 3, Class A of that Order other than the retail sale of plants.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (10) There shall be no mezzanine floors or other internal alterations which would increase the gross retail floor space above that permitted, without the prior express grant of planning permission.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and to protect the vitality and viability of local centres in accordance with Policy CS15 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (11) The use hereby permitted shall not operate other than between the hours of 09.00 to 18.00 hours.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) 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 first use of the development hereby approved and thereafter retained.

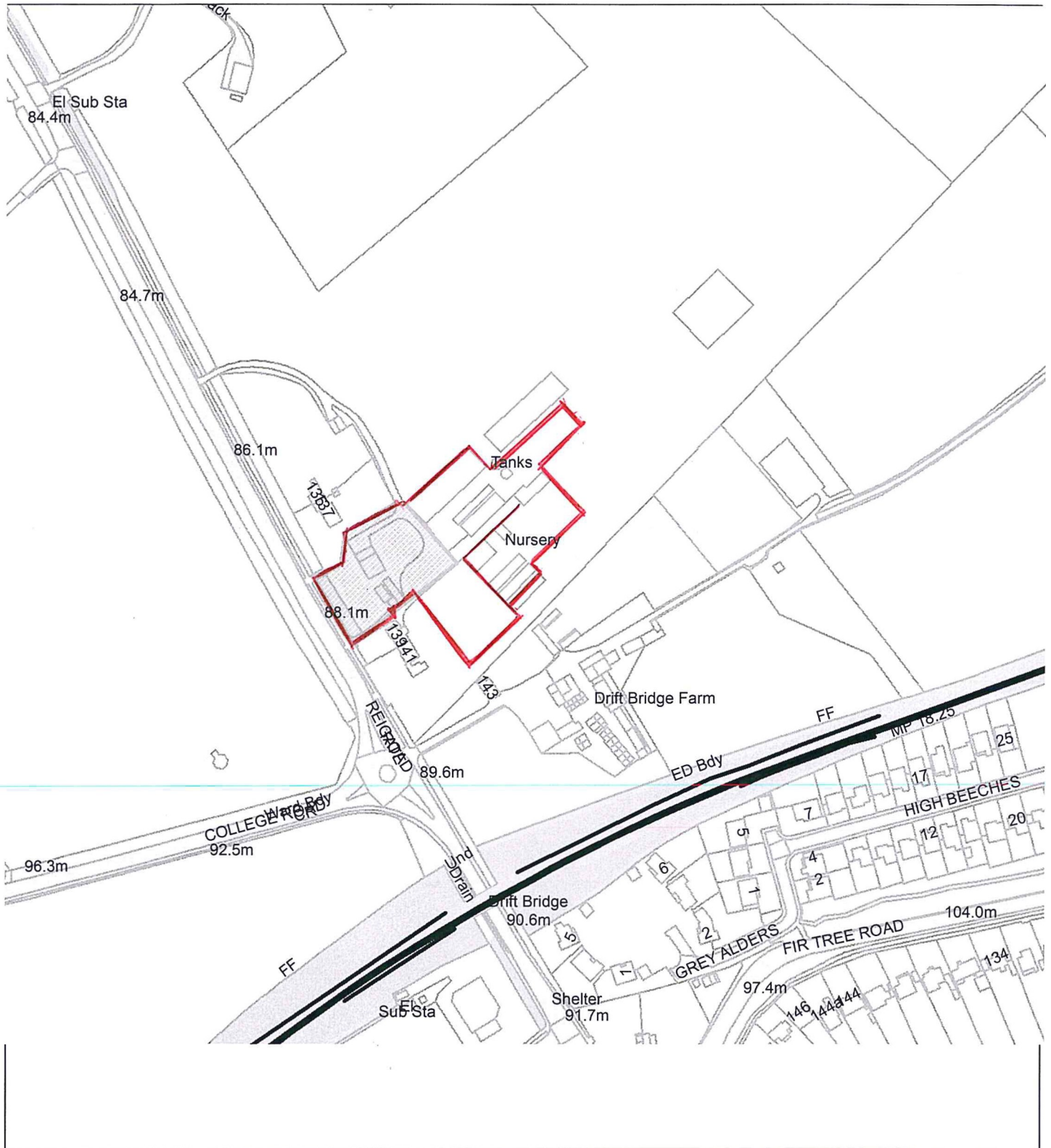
Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

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.

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Mayfield Lavender, 139 Reigate Road, Ewell, KT17 3DT



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YoYo DropIn Centre 24 South Street Epsom Surrey KT18 7PF

Change of use of offices at first and second floors to create 2 new residential units (amended description).

Ward:	Town Ward
Contact Officer:	James Udall

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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OR9Q7V GYGZA00>

- 1.2 This application proposes the change of use of offices at first and second floors and conversion of the roof space to create two new residential units. The proposed units would be used by Epsom & Ewell's Borough Council provide temporary accommodation for Epsom and Ewell residents who are in acute need of housing provision and are in immediate danger of being homeless and who would otherwise use out of borough bed and breakfast accommodation.
- 1.3 This application has been submitted to planning committee as the land is owned by Epsom and Ewell Borough Council.
- 1.4 The application is recommended for APPROVAL.

2 Site description

- 2.1 The application building is a three storey building with a hipped roof which forms part of a terrace of buildings which front onto South Street. The building is set back slightly from the road and does not appear to have been extended.
- 2.2 The application site is situated on the western side of South Street. The area is mainly commercial in character comprising of a mixture of office and retail units and restaurants.
- 2.3 The adjoining building to the north No.22 has a Class A1 retail shop at ground floor with offices above. The adjoining building to the south No.26 is former restaurant (Use Class A3) which has closed and is currently empty.

3 Proposal

- 3.1 This application seeks permission for the change of use of offices at first and second floors and conversion of the roof space to create two new residential units. Amended drawings were received on 19th December 2017 changing the second floor flat from a two bed unit to a one bed unit so that the proposal would comply with the required National Space Standards for new residential accommodation.

4 Comments from third parties

- 4.1 The application was advertised by means of letters of notification to 37 neighbouring buildings, a site notice was displayed and an advert was placed in the local newspaper, to date one letter of objection has been received from Epsom Civic Society regarding the following:

“The property lies in the Epsom Town Centre Conservation Area. The society supports the conversion to residential use of suitable properties which would otherwise be left vacant. However, it is important that any such proposal meets the appropriate space standards. We note that the area of both of the proposed flats is well below the national standards and thus we are of the view that the current application should be refused on the grounds of non-compliance with policy DM10”.

5 Consultations

- 5.1 County Highway Authority: No objections.
- 5.2 Conservation Officer: “The conversion of the loft and the new uses at first and second floor levels result in no external alteration to the front and side elevations of the building. The proposal causes no harm to the significance of the adjacent listed buildings or to the special qualities of the Epsom Town Centre conservation area, and there is no objection in terms of Policy DM8”.
- 5.3 Policy Officer: “I can confirm that I have considered the additional information supplied by the applicant’s agent in relation to the proposed loss of employment floor space. On the basis of the information supplied to the planning authority I am satisfied that the proposal meets the requirements of Plan E Epsom Town Centre AAP Policy E5; which requires that proposals of this nature be subject to at least twelve months of marketing before being considered for alternative uses”.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
90/00626/FUL	13.11.1990	Provision of new timber shop front	Permission Granted
09/00894/FUL	25.03.2010	Replacement of shop fascia and replacement of timber-framed upper windows with polyester powder-coated aluminium frames.	

7 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Core Strategy 2007

Policy CS1 General Policy
Policy CS5 Built Environment
Policy CS8 Broad location of housing
Policy CS6 Sustainable Development
Policy CS14 Epsom Town Centre
Policy CS16 Transport and Travel

Development Management Policies Document 2015

Policy DM4 Biodiversity and New Development
Policy DM5 Trees and Landscape
Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for New Developments
Policy DM11 Housing Density
Policy DM12 Housing Standards
Policy DM35 Transport and New Development

Plan E 2011

Policy E4 Secondary Retail Frontages
Policy E5 Town Centre employment floor space provision

Supplementary Planning Documents

Parking standards-residential development 2015

Supplementary Planning Guidance

Sustainable Design 2016

8 Planning considerations

Principle of Development

- 8.1 The National Planning Policy Framework (NPPF) states that planning applications for residential development should be considered in the context of the presumption in favour of sustainable development and this principle is mirrored in local plan policy. Core Strategy (2007) Policy CS1 states 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. Changes should protect and enhance the natural and built environments of the borough and should achieve high quality sustainable environments for the present, and protect the quality of life for future generations.
- 8.2 Core Strategy Policy CS8 encourages higher density residential development in sustainable locations, and Policy DM11 of the Development Management Policies (2015) states that we will, in principle, support proposals for new housing that make the most effective use of development sites located within the borough's existing urban area.
- 8.3 The council considers that on the basis of the information supplied the proposal meets the requirements of Plan E Epsom Town Centre AAP Policy E5; which requires that proposals of this nature be subject to at least twelve months of marketing before being considered for alternative uses.
- 8.4 The change to residential use within a town centre location is considered to be an appropriate and highly sustainable location for such development and in principle accords with the policies contained within national and local planning policy.

Visual Impact

- 8.5 It is not proposed to make any external changes to the application building other than the addition of two conservation style roof lights in the rear roof slope. Due to its size and design the proposal would have no impact on the character and appearance of the conservation area. The proposal would therefore accord with policies DM9 and DM10.

Residential Amenity

- 8.6 The proposal would retain the existing first and second floor window, which are considered to be acceptable. The proposal would include the addition of two conservation style roof lights in the rear roof slope. Due to its size and design the proposal would have no impact on the daylight, privacy or outlook on neighbouring residents.
- 8.7 The application therefore accords with the requirements of Policy DM10(ix).

Parking/Access

- 8.8 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 8.9 It is noted that parking the Parking SPD advises that one bedroom units should have a car parking space. The proposed dwellings would not have any parking and therefore the proposal would not strictly comply with the SPD. However, the existing offices do not have any parking provision and the application site is in a highly sustainable location within easy walking distance of shops, services and excellent public transport facilities and would be within walking distance of Epsom Train Station.
- 8.10 Furthermore, the proposed conversion would create two single bedroom units, which it is expected would be mostly used by singletons and not families. The proposed zero parking provision is therefore, on balance, acceptable.
- 8.11 The Highway Authority has no objection to the development and on balance, it is considered that proposal would not have a harmful effect on the public highway or parking levels in the town centre. No objection is therefore raised in this instance.

Amenity for Future Occupiers

- 8.12 The table below summarises the proposed internal floor areas and private amenity spaces of the proposed dwellings in comparison to required standards;

Unit No	No. of bedrooms	No. of bed spaces	Required space standard (sqm)	Proposed floor space (sqm)	Required private amenity space (sqm)	Proposed amenity space (sqm)
1	1	1	39	42	5	0
2	1	1	39	42	5	0

- 8.13 Policy DM12 in Development Management Policies (2015) refers to housing standards and states that all housing developments are required to comply with external and internal space standards. The proposed dwellings would have internal areas which comply with the minimum standards.
- 8.14 Policy DM12 states that 1 bedroom units should have minimum private outdoor space of 5m². The proposed units would not have any private external amenity areas with the result that the proposal would not strictly comply with these standards.
- 8.15 However, the application site is within close walking distance of nearby parks and public spaces and it is therefore considered that the lack of outdoor space would not, in this instance, harm the amenities of future occupants.

9 Conclusion

9.1 In light of the above it is recommended that planning permission is granted.

10 Recommendation

10.1 Planning permission is GRANTED 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) The development hereby permitted shall be carried out in accordance with the following submitted plans and documents:

Location Plan

04A

05

06

Design and Access statement – Revision A

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 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).

- (4) 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).

Informatives:

- (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) 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.
- (3) The water efficiency standard required under condition 3 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.

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SITE VISITS

Report of the: Head of Place Development
Contact: Mark Berry
Annexes/Appendices (attached): None
Other available papers (not attached): None

REPORT SUMMARY

To identify planning applications which Members of the Committee consider should be the subject of a Member site visit.

RECOMMENDATION:

Members are asked to put forward any planning applications which it is considered warrant Members visiting the site before a decision is made.

Notes

1 Implications for Community Strategy and Council's Key Priorities

1.1 This report accords with the functions and objectives of Development Management.

2 Details

2.1 The Committee is asked to note that planning applications previously agreed as the subject of Member site visits that have been withdrawn or recommended for refusal under delegated authority are therefore removed from the list.

2.2 The Committee is asked to consider whether it wishes to add to the list of applications to be subject to a site visit (at the appropriate time).

- o Chalk Lane Hotel, Chalk Lane, Epsom KT18 7BB – 17/01275/FUL
- o 346 Chessington Road, West Ewell, KT19 9EG – 17/01274/FUL

2.3 The Committee is asked to note that a site visit should only be requested for planning applications that meet at least one of the following criteria:

- 2.3.1 If the whole of the site cannot be seen from the road
- 2.3.2 If the application is large and/or complex

2.4 The Committee is reminded that they will need to give their reason for requesting a site visit at the Planning Committee Meeting.

WARD(S) AFFECTED: ALL

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**Planning Members' Code of Conduct, Public Speaking Rules,
Delegation Scheme and Call-In Procedure**

Report of the:	Head of Place Development
Contact:	Mark Berry
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annexe 1: Proposed "Model code of good practice for members in respect of planning matters" Annexe 2: Revised Delegation Scheme 2017
Other available papers (not attached):	Planning Improvement Action Plan – November 2017 Planning Improvement Peer Challenge Report – 30 October 2017 Current Code of Good Practice in Part 5 of the Council's Constitution Current Scheme of Delegation

Report Summary

The Planning Improvement Action Plan adopted at the 13 November meeting of the Planning Committee contains a number of actions that involve changes to the practices and procedures around the consideration and determination of planning applications. This report seeks the adoption of a new range of procedures that directly relate to the work of the Planning Committee. These take account of comments and recommendations in the Planning Peer Challenge report – October 2017 and of changes in the law and the latest advice on best practice from the Local Government Association and the Planning Advisory Service.

Recommendation (s)

That the Committee:

- (1) Adopt a revised “Model code of good practice for members in respect of planning matters” attached at Annexe 1 to supercede the (ACSeS) Model Code of Good Practice currently in the Constitution and recommend to Council that the Constitution be updated accordingly;**
- (2) Approve the revised Delegation Scheme attached at Annexe 2;**
- (3) Approve the revised Members’ call-in procedure set out in the revised Delegation Scheme;**
- (4) Approve the delegation of the determination of applications regarding small-scale developments on Council land to Officers unless such applications are outside the delegation scheme in operation at the time.**

1 Implications for the Council’s Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Sound and defensible planning decisions reflect the Council’s core values and it is fundamental to all four of the Council’s key priorities to ensure that we have appropriate planning policies and that we can make sustainable decisions in the light of those.

2 Background

- 2.1 The Peer Challenge review team submitted their report on 30 October 2017. In response, the Planning Committee adopted a Planning Improvement Action Plan relating to the Development Management process at a special meeting on 13 November 2017 and a separate report is due to be considered by the Licensing and Planning Policy Committee on 7 December 2017 relating to the planning policy aspects of the Improvement Action Plan.
- 2.2 An associated Member/Officer Working Group to monitor the implementation of the plan has been approved.
- 2.3 Many of the actions in the plan have already been part-implemented or put in train. The timescales for implementation are challenging and many of the actions fell to be completed before Christmas. This report seeks to carry forward many of the procedural changes that are recommended in the Peer Challenge report which have been adopted in the Action Plan.

3 Code of Good Practice

- 3.1 Part 5 of the Council's Constitution contains Codes and Protocols applying to various aspects of the Council's business, including a Planning Code of Practice entitled "Association of Council Secretaries and Solicitors (ACSeS) Model Code of Good Practice for Members regarding Planning Matters".
- 3.2 It is proposed to revise this "Planning Code", which was last updated in 2007. Subsequent to its adoption, the Localism Act 2011 attempted to address the issue of pre-determination in decision-making and made it clear that elected members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal. Members are to be encouraged to engage in the planning process at an early stage and our guidance needs to be up-dated to reflect this.
- 3.3 Under the heading: "The value of pre-application engagement", the National Planning Practice Guidance (NPPG) says that: "*Democratically elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so.*" This is a major change from our current protocol that states: "*Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it.*"
- 3.4 Section 25 of the Localism Act recognises ongoing concerns of councillors nationally about the local effects of misunderstandings regarding predisposition and predetermination.
- 3.5 It is important that local residents and businesses can discuss views with those who represent them without concern that in doing so their representatives will be prohibited from actually representing them. Members can play a constructive role in pre-application discussions and in the earlier stages of a planning application before it is reported to committee.
- 3.6 Being able to hold meaningful discussions with local decision-makers also has benefits for developers, enabling them to understand what may or may not be acceptable before plans are elaborately developed. The process may save excessive and abortive costs.
- 3.7 The changes introduced by the Localism Act and the emphasis on encouraging "front-loading" of the planning process in the NPPG and the Peer Challenge report show that our existing code is out of date and in serious need of revision. A copy of the proposed revised Planning Code is to be found at **Annexe 1**.
- 3.8 In addition to the main thrust of the changes to the Planning Code, there is an important proposed change to the procedure for requesting site visits on Planning Committee items. For many years, the practice has been to determine site visit requests as a standing item on the Planning Committee agenda. This is not very logical and it makes sense for site visit requests to be fed to the Chair or Vice-chair outside of the committee cycle and for

the Head of Place Development in consultation with the Chairman and Vice Chairman to determine which cases warrant a site visit according to the criteria clearly stated in the revised code. Attention is therefore drawn specifically to Section 12 of the proposed Planning Code.

- 3.9 Another significant change is to pick-up on a recommendation from the Peer Challenge team that minor planning proposals on Council land should not necessarily need to be referred to the Planning Committee for determination

4 Public speaking protocol

- 4.1 The Peer Review process also suggested that the issue of public speaking be revisited to ensure transparency and fairness. The current arrangement is that those wishing to speak at a particular committee meeting must register to speak between 6pm and 7pm on the evening of the meeting. The Peer Review commented that this is unusual but this system recognises the resources available to facilitate this.
- 4.2 Further consideration will be given to this matter. In the meantime, standard letters and conversations with applicants will make it clear that, should an application go to Committee, there is a possibility that an objector could ask on the night of the meeting to address the committee. Forewarning applicants or agents that this might be the case will give them the opportunity to consider whether or not to address the committee themselves. The promotion of the ability to speak at Committee generally will also be reviewed to raise its profile.

5 Revised Delegation Scheme (including revised call-in procedure)

- 5.1 The Peer Challenge Report recommends that the Planning Committee should focus on strategic and controversial decisions and that the proportion of cases dealt with under delegated powers should be maintained at a high level.
- 5.2 The revised Planning Delegation Scheme set out in **Annexe 2** has been framed in the same manner as the general Scheme of Delegation to Officers contained in the Council's Constitution under Part 3 where the approach is to empower officers to make decisions except in certain specified circumstances
- 5.3 Applications should only be "called-in" for good planning reasons and it is proposed to introduce refreshed disciplines around the use of the call-in power. An application should be capable of being "called-in" by any member of the Planning Committee or Ward member representing the Ward in which the development is taking place who has a legitimate planning reason for doing so. The request should be made in writing to the case officer and copied to the Head of Place Development and Planning Development Manager within 28 days of the date on which public notice is given of the application.

5.4 However, there are certain types of application and notification that, because of their nature or statutory time limits, are not suitable for consideration by the Planning Committee. The revised delegation scheme lists these for the sake of clarity.

5.5 It is proposed that the revised planning scheme of delegation attached at **Annexe 2** should be adopted immediately.

6 Financial and Manpower Implications

6.1 There are no significant financial or manpower considerations arising from the proposals in this report.

6.2 ***Chief Finance Officer's comments: to follow***

7 Legal Implications (including implications for matters relating to equality)

7.1 The practices and procedures recommended in this report would bring the Borough Council's planning framework into line with the current best practice, the Localism Act and National Planning Practice Guidance (NPPG) in particular. In adopting the proposed measures, the Council would be complying with the recommendations of the Local Government Association and Planning Advisory Service.

7.2 Further consideration will be given to the public speaking protocol to ensure that it is fair and transparent.

7.3 ***Monitoring Officer's comments: the proposed practices and procedures are now more in line with current legislation and have taken on board the report resulting from the Planning Improvement Peer Challenge.***

8 Sustainability Policy and Community Safety Implications

8.1 There are no direct sustainability or community safety implications arising.

9 Partnerships

9.1 The proposed Planning Code will assist in more collaborative working with applicants within the appropriate bounds probity and will help to enable the engagement of other stakeholders earlier in the planning process.

10 Risk Assessment

10.1 The proposed changes to procedure will ensure that we are more in-line with current law. Indeed, the Peer Challenge Report asserts the importance of "front-loading" to ensure that there are more opportunities for Members to influence the planning proposals before they get anywhere near a planning committee meeting. This is positively encouraged by the Government.

- 10.2 There could be a perceived risk of impropriety under the new planning code where members of the public think that discussions are happening behind closed doors and decisions are being unduly influenced by the access that applicants will have to elected Members. The proposed Planning Code therefore seeks to minimise that risk by ensuring that appropriate safeguards and restrictions are put in place and it adopts the best of mainstream practice in this regard.
- 10.3 The determination of Council planning applications under delegated powers is a departure from previous practice but any case that generates any significant issues can still be referred to Committee for consideration. There should not need to be a default requirement for referral of all such cases to Committee as in most cases they have historically related to very minor or inconsequential issues

11 Conclusion and Recommendations

- 11.1 The above-mentioned proposals pickup on many of the recommendations made in the Peer Challenge report. There is a clear need to up-date the Planning Code and to make adaptations to our procedures for Members' committee site visits, Council planning applications. The public speaking procedure will also be revisited to ensure that it is fair and transparent. The Planning Scheme of Delegation also needs to be brought up-to-date and the call-in procedure clarified.
- 11.2 The measures contained in the recommendation should therefore ensure that our processes are better able to deal with the demands of the time and assist the Council in making better informed and more sustainable decisions.

WARD(S) AFFECTED: (All Wards);

Probity in Planning

Introduction

Planning matters have a significant impact on our lives and the area in which we live. It is important that the system operates and is seen to operate, in an honest, open and transparent manner.

The purpose of the planning system is to consider development proposals in the light of wider public interests, with the Government requiring a positive approach to be taken towards allowing substantial development. To succeed, the planning system relies on Councillors and Officers acting in a way, which is fair and is clearly seen to be fair. This includes acting in accordance with Planning Law in all instances and paying due regard to national and local policies in addition to all other “material planning considerations.”

This Code of Good Practise has been adapted from national guidelines on probity to take account of the local situation. Two particular areas of the Localism Act 2011 are relevant to this code. Firstly, with regard to pre-determination the Act makes clear that it is proper for councillors to play an active part in local discussions and that they should not be liable to legal challenge as a result, provided they maintain an open mind. Secondly, and related to pre-determination, the Act introduces a new requirement for developers to consult local communities before submitting planning applications for certain developments. This gives Members and local residents a chance to comment when there is still genuine scope to make changes to proposals at both pre-application and post submission stages.

Status of the Code

This Planning Code is contained in the Council’s Constitution and is complimentary to the Council’s Code of Conduct for Members. Members of the Planning Committee should apply both the general Code of Conduct and the Planning Code in dealing with planning issues. This is to help Members maintain the Council’s high standards of conduct, avoid placing the Council at risk of legal challenge or a finding of maladministration by the Local Government Ombudsman, and avoid putting an individual member at risk of a complaint. A breach of this Code whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council.

The purpose of this Planning Code is to:

- Set the standards of conduct the Council requires all Members and Officers of the Council to follow when dealing with and determining planning applications including policy, development and enforcement
- guide the way in which Members and Officers of the Council deal with all planning decisions, supporting their respective roles, and protecting their reputation for probity

- Set the standard of conduct which other parties to the process can expect from Members and Officers when dealing with planning matters

This Code applies to all Members and Officers when making decisions on planning matters. It has been drawn up to:

- Support Members effective engagement in all aspects of the planning process and, in this context, to fulfil their democratic role
- Ensure transparency and fairness in the way in which decisions are taken and that there are no grounds for suggesting that a decision has in any way been biased, partial or not well founded

A key purpose of this Code is to help Members of the Planning Committee can make formal planning decisions that are safe from legal challenge. It is also intended to be helpful to members of other committees and to ward members in relation to various planning decisions

The benefit of a detailed Code is that it sets out clear lines of engagement and expectations for each of the parties involved including members of the public and developers.

General Role and Conduct of Councillors and Officers

Members and Officers have different but complimentary roles in the planning process. Members of the Planning Committee have different roles to those of other Councillors.

Mutual trust, respect and understanding between Councillors and Officers are key to achieving effective local government. Officers' views, opinions and recommendations will be presented based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Officers, in their role of advising and assisting Members in their determination of planning matters in the public interest, do not represent either the landowner/applicant or the objector. They will:

- Provide impartial professional advice
- Seek to ensure consistency of interpretation of national, regional and the Council's planning policies
- Complete written reports with clear written recommendations and all necessary information for the decision to be made

The Code of Conduct for Officers is set out in full in Part 5 of the Council's Constitution. In addition, many professional staff within the planning service will be

members of the Royal Town Institute (RTPI) and are required to comply with the RTPI Code for professional conduct. Planning officers, who are not RTPI members, are also expected to conduct themselves in the same manner.

It is important and best practice that Members recognise that Officers are part of a management structure and any concerns that they may have about the handling of a planning matter should be raised with the department manager. In general, officers and members should adopt a team approach and should recognise and respect each other's different roles.

Members must not put pressure on Officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views if submitted in written form will be placed on the planning file and considered together with other material planning considerations.

In reaching a decision Members must ensure they read, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so.

The Members of the Planning Committee should make all decisions in an open and transparent manner and this should not be compromised in any way. Such actions as messages being passed to Members of the Planning Committee during debate should be avoided as this could give an impression of undue influence from a third party. In an emergency, any communication should go through the the Democratic Services Officer.

In order to ensure that decisions are taken on planning grounds and are sound, it is **imperative** that all Members of the Planning Committee read the reports prepared by Officers and familiarise themselves with all relevant National Planning Guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the Planning Committee itself. It is important that Members be **seen** to be meeting this provision of the Code. Information on specific applications will be available on the Council's website via "Public Access"

Councillors who are Members of the Planning Committee are responsible for the determination of planning applications for major and controversial applications. The Planning Committee must assess proposals against national and local planning policy, are restricted to planning considerations, and **cannot** seek to control non-planning issues or duplicate other legislative controls.

Members of the Planning Committee must always approach their decision making with an **open mind**; have regard to **all** material planning considerations and be prepared to change their views if persuaded that they should. Members should remember that planning law requires determination to be based on **planning consideration** and not on any political or other reasons.

If Members do anything, which would show they had closed minds and had predetermined an application, then they should **not take part**. Showing a predisposition towards a particular course of action does not in itself demonstrate bias and prevent Members from taking part in the decision making, however it may well encourage legal challenge.

Members should **not** vote or take part in the meeting's discussion on an item unless they have been present to hear the entire debate, including the officer's introduction to the item.

Members should ensure that if they are proposing, seconding or supporting a decision contrary to an officer's recommendations or the development plan, Members must **clearly identify** and understand the planning reason leading to this decision. The reason/s must be given **prior** to the vote and be recorded. Members must be aware that the resulting decision may have to be justified by evidence at a planning appeal in the event of challenge.

Interests: Registration and Disclosure

The Law and the Councillor's Code of Conduct set out rules and guidance on declaring their interests. Councillors **must** follow these rules and guidance and review their own situation regularly.

If a Member has a Code of Conduct interest in any matter, the existence and nature of the interest **must be disclosed** at any relevant meeting. This is best done at the beginning of the meeting.

The Members' Code of Conduct states that Members must, within 28 days of taking office as a member or co-opted member, notify the authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is that of the Member, their spouse or civil partner, or is the pecuniary interest of somebody with whom a Member is living with as a husband or wife, or as if they were civil partners. If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

If a Member does have a pecuniary interest, unless granted a dispensation, the Member **may not** participate in making the decision, either formally or informally. The Member should also avoid giving **any** impression of participation, as it is important to maintain public confidence in the impartiality of Councillors in decision-making. Taking part whilst having a pecuniary interest **is** a criminal offence.

In relation to planning decisions, any interest that does not amount to a pecuniary interest but which would have a significant impact upon a member's judgement should be declared by the Member at the meeting. In each case this would be a matter for the Member's **own** judgement having full regard to the facts.

An example of this type of interest might be in relation to a planning application on a site very near to the member's home (where it may well be advisable for the member not to take part).

Even if a member considers a non-pecuniary interest would not have a significant impact on their judgement, there are likely to be situations where the public expectation would be for the member not to participate. Equally, there may be circumstances in which a member of the public would not regard it necessary for a member to declare an interest or involvement in a matter but for reasons of good practice and transparency, a member chooses to do so, simply to be as open as possible. In these circumstances, the declaration would have no impact on the Member's participation.

Councillors who are unsure whether an interest should be declared or need guidance, should do so before the Planning Meeting, by seeking advice from the Monitoring Officer or Deputy Monitoring Officer

Predetermination, Predisposition and Bias

Members of the Planning Committee must ensure that they do not fetter their ability to take part in the decision making process by making up their minds or clearly giving any appearance that an application or other matter referred to the Planning Committee has already been determined, before the Planning Committee has the opportunity to consider the merits or demerits of an application.

The Planning Committee should when considering an application, take into account **all views** that are expressed in such a way that they are **openly heard** and **fairly** considered in a **balanced** way before the Committee reach a decision.

The courts have sought to distinguish between situations that involve predetermination or bias, on the one hand **and predisposition** on the other.

Predetermination is indicative of a "**closed mind**" approach and could leave the committee's decision open to challenge by Judicial Review. Such "pre-determination" has been held to amount to the "surrender by the decision-maker of its judgement by having a closed mind and failing to apply it to the task".

Members of the Planning Committee can have a **predisposition** to an initial view, but **must make it clear** that they have an **open mind** and are willing to listen to **all material considerations** presented before deciding on how to vote.

A councillor who has **predetermined** their position should **withdraw** from being part of the decision making body. If the councillor takes part in the decision making process it will put the Council at risk of finding of maladministration and of legal proceedings on the grounds of there being a risk of bias or predetermination or a failure to take into account all of the factors enabling the application to be considered on its merits.

Members and Officers should also avoid the **appearance of bias**, that is, appearing to give undue weight to particular matters on the basis of personal attributes, or social acquaintance, that might influence their conduct generally and ties in with comments made in relation to declarations of interest above. Whilst it might remain possible for a Member to apply an open mind to the matter to be determined in such circumstances Members must avoid giving the impression or appearance that particular personal interests or attributes would lead them to consider aspects of an application more carefully or with more regard than other aspects unaffected by their own character and experience. It should be understood that the perception of justice *“is rooted in confidence, and that confidence is destroyed when right minded people go away thinking that the judge was biased”*.

For Planning Committee Members the aim is that they act, and are seen to act, impartially and honestly by approaching each planning decision fairly between the parties and with an open mind. Should a Member wish to take a particular stance in relation to a development, or feel that it would be difficult to demonstrate that they have followed a consistently fair approach between all parties in a case, then it is perfectly possible for them to decide not to be part of the decision making process on the particular issue or application but to act as a ward member in that instance.

From time to time, members are invited by prospective developers or objectors to attend meetings to discuss proposed development schemes and questions have been asked about the propriety of such attendance. Members and the Council could be challenged where they have expressed their opinion of proposals during or after such meetings, or in advance of Committee consideration.

The administrative system by which planning applications are determined in accordance with the law, and as necessary in a democratic society, would be brought into disrepute if it became evident that decisions favourable to an applicant or an objector could be obtained by lobbying members outside the procedural framework. On the other hand, members may be said to have a duty, particularly as Ward Councillors, to inform themselves of proposals which affect their wards and to be alive to public opinion. Members can play a constructive role in listening to and objectively gathering and reporting such views to the Councillors who will determine the application.

With these points in mind, it is suggested that the following guidelines may be helpful to members when considering whether to accept an invitation to a meeting.

1. Where members accept invitations to meetings from prospective developers or objectors when an application for planning permission has been received, even if the invitation is made to them ostensibly as a Ward Councillor, they should avoid expressing any fixed view of the matter.
2. Councillors must not make any commitment to determine a matter in a particular way, for any reason
3. Ward Councillors (subject to paragraphs 1 and 2 above) should not accept invitations to meetings from prospective developers or objectors unless it is clear to them that the meeting is either a public meeting or one to which

residents or other persons with an interest in the potential development have also been invited. If a Ward Councillor attends such a meeting in the belief that others have been invited but finds that no other persons are present apart from the developer and Councillor(s), s/he should decline to take part in any discussion of the scheme. There is no reason to distinguish between meetings in neutral premises and meetings in the prospective developer's or objector's own premises.

4. There is nothing to stop members inspecting a site from the public highway if they choose to do so in order to better acquaint themselves with the details, but members should be aware of the risk of contact with the applicant or objector and inferences, which might be made. If access to a site is required, a formal site visit should be sought through the planning Case Officer.

5. There is nothing to stop members responding to invitations to a meeting if properly convened through the Chief Executive or by officers in the planning service to which all relevant members (but not members of the public) have been invited, provided that if the merits and problems of the application are discussed Councillors make it clear that they have no fixed view of the matter at that stage.

It will, of course, remain open for the Council to sanction a departure from these guidelines in special circumstances.

The Decision Making Process and Decisions Contrary to Officer Recommendations and/or the Local Plan

All Committee decisions are made by a simple majority.

In discussing, and determining a planning application or other planning matter, Councillors should try to confine their discussion to the policies of the Development Plan, and to those material considerations that should influence their decision. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits.

However, it is acknowledged that deputations by applicants or members of the public may refer to matters that should not properly be part of the reasoning of the members' decision. On such occasions, it may be difficult for members of the Planning Committee to confine their comments to the appropriate planning issues without appearing to disregard expressed concerns. Where it appears that the clarity of the decision-making process may be undermined, the Committee Chairman and officers may give guidance on any elements of the discussions that refer to irrelevant or immaterial considerations, and any elements that should be disregarded by the Committee in formulating its decision. Officers will clarify the weight to be given to the details of reports, or information that comes forward during deputations or in the course of debate.

If Councillors wish to refuse an application against officer advice, to impose additional conditions on a planning permission, or to approve an application contrary to officer recommendation, an officer should explain the implications of such action.

In circumstances where it seems likely that a planning application is likely to be refused against the officer's recommendation, the Chairman should consider whether it would be appropriate to require an adjournment of the meeting or even a deferral of that item to the next Planning Committee meeting to allow further discussions to be had. This is both to ensure that any potential reasons for refusal would be defensible at appeal and to give opportunity for any amendments that may overcome the potential ground for refusal.

Where they do not accord with the officer's recommendation, the Committee's reasons to grant an application or to refuse it or any additional conditions to be applied must be clearly stated by the member making the proposal.

If members cannot give sound and clear-cut reasons for a decision which may override the recommendations of the officers, it is not appropriate to require, or expect that officers can, explain such decisions to applicants, objectors or a planning inspector. When the Committee has made such a decision, the Chairman will allow brief discussion to ensure that officers have understood the intentions and reasons of the Committee. All conditions, including ones that the Committee may wish to impose on a planning permission, must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

If the report of the Head of Place Development recommends approval of a departure from the Local Plan, the full justification for that recommended departure will be included in the report.

Lobbying

Lobbying is a normal part of the planning process and may not be restricted to members of the Planning Committee. If a Member, who is not on the Planning Committee wishes to support a particular viewpoint then that Member has a right to appear at Planning Committee and seek permission to address the meeting. This approach is recommended to protect the integrity of the members of planning committee against accusations of bias and/or predetermination as the public perception could be that the member added more weight to, or was swayed by views, of a colleague.

Since lobbying can lead to the impartiality and integrity of a Member being called into question it is clear that care, and all parties involved should exercise common sense. It is therefore important that Members protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties as long as they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality.

Councillor “Call-In” Procedure

Most planning applications are determined by Planning Officers in line with the Council’s Scheme of Delegation. However even when the Scheme of Delegation authorises Officers to determine the application a Planning Committee Member or a member representing the Ward in which development is proposed, may wish for a planning application to be considered by the Planning Committee . In these circumstances, the following rules must be complied with. Failure to do so entitles Officers to refuse to put the application to committee and determine it under delegated authority.

- A “call-in” request must be received within **28 calendar** days following notification by the Planning Services. This gives the Councillors enough time to read the comments being received from other parties (who have 21 days to comment).
- The request must be in writing (email is acceptable) to the Case Officer, copied to the Head of Place Development and Planning Development Manager asking that an item be referred to, “called-in” to the Planning Committee,
- the request must be on **relevant planning grounds** and **merit** intervention to have the application placed before the Planning Committee.

It is not the case that just because a member of the public requests call-in of an application on their behalf, that this should be actioned. It is the responsibility of members to explain to their electorate that a call-in cannot be justified as there are no planning grounds for doing so.

All “call-ins” made by Councillors stating **material planning grounds** and within **28 days** will be valid.

Where the “call in” is not made on material planning grounds the “call-in” will be **invalid**, the decision of whether the grounds are justifiable will be at the **sole** discretion of the Head of Place Development

All “call-ins” which are **late** will be invalid.

A Member who has a Disclosable Pecuniary Interest should **NOT** ask for an item to be called in or if there is a risk of the Member being seen as biased: for example if the Member has a very strong connection through a non-pecuniary interest.

Members who have asked for a call-in must ensure that they attend the committee to which the item is being discussed to explain the planning reasons why the application merits consideration by the Planning Committee

Planning Applications made by Members and Officers

When a planning application is submitted by a Member or by a close relative or close friend of a Member, the Member will:

- take no part in the processing and determination of the application
- advise the Monitoring Officer of the application

All such applications will be reported to the Planning Committee and determined by Committee and not by an officer under delegated power.

The same considerations shall apply to planning applications submitted by Chief Executive, Chief Operating Officer or Heads of Service, including the Head of Place Development, Planning Development Manager or Planning Policy Manager

Officers and Members must not act as agents for people pursuing matters within Epsom & Ewell Borough

Late Representations

Late representations by the applicant or objectors regarding applications being presented to Committee will be considered up until midday on the Monday immediately before the Planning Committee meeting (Thursday) and will be summarised by the Case Officer and sent to the Planning Committee Members at least one day before the meeting on the Thursday.

Comments or any other information received after the deadline will only be taken into consideration in exceptional circumstances at the discretion of the Head of Place Development. This process ensures the Planning Committee Members have sufficient time to read any additional papers.

No material will be handed out at committee by anyone other than the officers presenting the item before committee.

Public Speaking at Planning Committee

Certain members of the public or organisations that have a planning related interest or could be affected directly by the matter under consideration will be entitled to speak at the Planning Committee.

These individuals/organisations fall into the following categories:

- applicants or their agents
- local groups

- neighbouring occupiers or
- owners of any premises which is the subject of an enforcement report
- Ward councillors who are not members of the planning committee

and may either support or oppose the application.

An individual or representative of a local group/organisation who wishes to speak at a Planning Committee must register their wish to do so between 6pm and 7pm on the evening of the meeting at the Town Hall reception desk.

Normally, in addition to the applicant/agent, only one member of the public may speak for or against a single application. Registration will normally be on a first come first served basis but an individual may choose to waive this right in favour of an individual who attempted to register at a later time. Alternatively, several members of the public may appoint one person to speak on their behalf provided they can reach agreement to this amongst themselves.

Speakers shall be called in the order of (1) objector (2) supporter (3) applicant/agent

A speaker shall have a maximum of three minutes to address the Committee and must confine their remarks to the application upon which they requested to speak. The applicant/agent shall be given an amount of time equal to the amount of time allocated to the all the objectors. The address shall be in the form of a statement, not attempts to question the applicant or other person but may address issues raised by other speakers.

Speakers should only raise issues concerning planning matters such as;

- appearance and character of the application
- traffic issues, highway safety and parking
- layout and density of buildings
- loss of light overshadowing and loss of privacy
- noise, disturbance and other loss of privacy
- other relevant planning considerations

There will be no opportunity for displaying any materials, such as maps, photographs or circulate any other materials or ask any questions of anyone at the meeting.

If the Chair considers that any remarks made are defamatory, no further representation will be allowed. Individuals or organisations will be invited to address the Committee following the presentation of the item by the officer. The order of speakers will be:

- Ward councillors wishing to speak
- Objector
- Applicant or their agent

Monitoring and Review of Decisions

Planning Committee Members should play an active part in regularly reviewing the outcome of planning decisions so that lessons can be learned and the future consideration and determination of planning applications can be improved as part of a broader commitment to continuous improvement.

Arrangements will be made for Members to visit a sample of implemented planning permissions, so that a regular review of the quality of planning decisions can be undertaken.

The outcome of the review will be considered by the Planning Committee and may lead to the possible amendments to existing policies or practices.

Training

No Member (or member substituting on a Planning Committee) may attend a Planning Committee meeting without first having received appropriate mandatory training as set out below.

The validity of this training will expire if the Member has not attended a meeting of the Planning Committee within 12 months of receiving it, or has had a gap in membership from the Committee of more than 6 months. Where the validity of the training has expired, the Member may not sit on the Planning Committee until they have received further training.

Given the complex legislative framework for determining planning applications and the constant reforms and changes within the planning system, the Head of Place Development will provide a Planning Committee Training Programme to include:

- an annual training session that will provide an overview of the key role of planning and the role Members play in the planning process. This training will usually be held once the membership of the Planning Committee has been confirmed at Annual Council and should be attended by both new and continuing Members of the Committee. However, all members of the Council will be encouraged to attend to help them understand planning issues. If Members are appointed to the Planning Committee after the training has been

held and have not received the necessary training, or act as a substitute for a Planning Committee Member, they will receive separate training.

- A six month refresher session
- Further training sessions as necessary on new Council and Central Government policy and legislation or other planning issues that are requested by Members or Officers. Again, all members of the Council will be encouraged to attend such sessions.

It is expected that Members will be available to attend training sessions and it will be the responsibility of each Member to ensure they have attended at least the annual training to enable them to sit on the Planning Committee. Democratic Services will maintain a register of Members who have received this training.

Complaints

A complaint that a Member or Officer has breached this Code should be made in writing to the Monitoring Officer for investigation and determination

There is a specific right of appeal for applicants who are not satisfied with a planning decision. In all other cases, a complaint made in writing regarding the determination of a planning application or a related planning matter would be investigated by the Head of Development and Placement and dealt with in accordance with the Council's complaints procedure.

In order that planning procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interest by Councillors.

The same principles of good record keeping will be observed in relation to all enforcement and planning policy matters. The monitoring of record keeping will be undertaken regularly by the Planning Development Manager.

A complaint may be made to the Local Government Ombudsman in the event that the complainant was not satisfied with the result of the investigation under the Council's complaints procedure. This must be done directly to the Local Government Ombudsman

Site Visits

Members and Officers must remember, in conducting a site visit anything said or done by them should be restricted to relevant planning considerations and should remain open minded.

The purpose of an organised Council site visit is for Councillors to gain knowledge of the development proposal, the application site and its relationship to adjacent sites.

The potential benefit of attending the site should be sufficient to justify the administrative expense and any consequential delay to determining the application.

The decision to hold a site visit prior to the Committee meeting is to be made by the Head of Place Development in consultation with Chairman

The purposes of a formal site visit prior to the Committee meeting are:

- to view the setting of the application,
- to consider any other matters seen on site which may be material to consideration of the application, and
- to find facts, especially when the application site is not visible from public land.

During a site visit members and officers should avoid any appearance of impropriety, and must not accept gifts or hospitality. Comments should be restricted to planning matters, and questions should be put through the planning officers attending the site visit. Officers and members must refrain from making comments that might be construed as supporting or opposing a particular view, and from making any personal comments.

The purpose of a formal site visit is not to receive or allow representations to be made outside the formal Committee meeting. If, on a site visit, Members and Officers are approached by persons wishing to speak about the application, Officers will explain that any representations may be made by to the Committee at the meeting, and explain how the procedure.

Site visits should be requested by Members prior to the application being reported to Committee. Councillors should only request a site visit when the application has reached the determination stage if they consider it essential to clarify an issue that cannot be understood without such a visit, and which could not have been considered earlier. The Committee may decide to visit a site because particular factors to be seen on site are significant in terms of the weight to be afforded to them in determining the application and because, following discussion in Committee, members have reduced confidence that such factors can be fairly considered in the absence of a site visit to assess such details. In proposing a site visit, the member who wishes the Committee to have additional opportunity to do so should specify the factors to be noted if the site visit is agreed.

Members with a pecuniary interest in a planning application should not make representations seeking a site visit in respect of an application. Members with a pecuniary interest in a particular application or agenda item must not attend any related site visit.

Development proposed by the Council

Parliament has decided that local planning authorities are, in the majority of circumstances, the appropriate body for determining planning applications affecting the area, including where the Council itself submits a planning application. There are separate statutory requirements for the Council in determining applications to develop its own land, or to develop it jointly with another body.

Members and Officers involved in reaching a determination of the application should treat proposals for the Council's own development (or development involving the Council and another party) in the same way as those by private developers. This means that not all applications on Council owned land need to be considered by Committee. However, the planning decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council be seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

Member/Officer Relations and Planning Decisions

The Head of Place Development or the Planning Development Manager will always attend meetings of the Planning Committee to ensure that procedures have been properly followed and planning issues properly addressed.

Other senior officers with appropriate professional and technical experience will also be present when an application has aspects relating to their professional expertise. Where the Council's professional experts, such as environmental health officers or highway engineers, attend Committee to ensure that appropriate advice can be given and discussed with their assistance, members must give due weight to such advice. It is the obligation of such officers to give considered and independent advice for the benefit of the Council

Review of Protocol

This Code will be reviewed as necessary and at least every four years to take account of:

- new planning legislation
- changes to national codes of conduct
- emerging examples of good practise

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Planning Scheme of Delegation

Introduction

The Terms of Reference of the Planning Committee include responsibility to determine the level of delegation to officers. It is important that there is clarity as to which matters officers can determine and which the Planning Committee must determine.

Scheme of Delegation

1. The Head of Place Development, Planning Development Manager and Planning Policy Manager may determine all matters arising from all legislation relating to the use and development of land, except for those matters set out in paragraph 2, which shall be determined by the Planning Committee.
2. The matters which shall be determined by the Planning Committee are:
 - a. Applications for planning permission for major development (except where the application is made under section 73 of the Town & Country Planning Act 1990 – a minor material amendment/development without compliance with original conditions);
 - b. Applications for planning permission for development which require to be advertised as a departure from development plan, as a whole, but which are recommended for approval;
 - c. Applications for planning permission or listed building consent that are submitted by or on behalf of any Member the Chief Executive, Chief Operating Officer and Heads of Service, including the Head of Place Development, Planning Development Manager and Planning Policy Manager
 - d. Decisions to confirm a Tree Preservation Order where there has been an objection to the making of the order.
 - e. Applications or other matters called-in for determination by the Planning Committee by a Member in accordance with Paragraph 3, where the call-in request has not been withdrawn.
3. A Planning Committee Member or a Member representing the Ward in which development is proposed, may call in a matter for determination by the Planning Committee in accordance with the following procedure:
 - a. A Councillor wishing to call an application in must do so by notice in writing (email is acceptable) to the Case Officer, copied to the Head of Place Development and Planning Development

Manager within 28 days of the date public notice is given of the application;

- b. A request shall not be valid if submitted before an application has been submitted, in anticipation of an application, for example, following pre-application consultation on a proposal.
- c. A Councillor shall not be able to call-in any of the following matters for determination by the Planning Committee:
 - i. Applications for Certificates of Lawfulness for Proposed Use or Development.
 - ii. Applications for Certificates of Lawfulness for Existing Use or Development
 - iii. Any matter where development is or may be permitted by development order, but where the prior approval of the Council is required.
 - iv. Consultations on applications from neighbouring authorities.
 - v. Approvals required under conditions attached to permissions or consents (for the avoidance of doubt, this shall not prevent the Planning Committee, when determining an application to require that an approval under condition be referred for determination by the committee).
 - vi. Applications or notifications of work to trees protected by Tree Preservation Order or Conservation Area status.
 - vii. Screening and scoping opinions under provisions relating to Environmental Impact Assessment.
 - viii. Matters relating to prior notification of development authorised by Act of Parliament.
 - ix. Consultation by Electricity Undertakers.
 - x. Matters related to Hazardous Substance Consent.
 - xi. Applications in relation to non-material change to a planning permission.
- d. the request to “call-in” an application must be on relevant planning grounds and merit intervention to have the application placed before the Planning Committee. Where the “call in” is not made on material planning grounds the “call-in” will be

invalid. The decision of whether the grounds are justifiable will be at the sole discretion of the Head of Development Control.
Section 106 Agreements

4. The Head of Place Development is authorised to:
 - i. Agree the terms of, and variations to, Section 106 agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission granted under Appeal.
 - ii. Refuse a Section 106 agreement if the same has not been completed within 6 months of the Planning Committee having granted planning permission without the need to return the matter to the Planning Committee
5. For the avoidance of doubt, any of the officers referred to in Paragraph 1 may refer, at their discretion, any matter for consideration and/or determination by the Planning Committee where they think it is necessary or appropriate to do so, and shall inform the Chairman of the Planning Committee of their intention to do so.

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