

## Minutes of the Meeting of the PLANNING COMMITTEE held on 14 January 2016

---

### PRESENT -

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

In Attendance: Councillor George Crawford (For Item 04 Salesian College Sports Ground) and Councillor Clive Woodbridge (For Item 04 Salesian College Sports Ground)

Absent: Councillor Peter O'Donovan, Councillor Vince Romagnuolo and Councillor Clive Smitheram

Officers present: Mark Berry (Head of Place Development), John Robinson (Planning Officer), Mark Rouson (Corporate Communications Officer), Danny Surowiak (Principal Solicitor), Jeremy Young (Tree Officer Place Development) and Sandra Dessent (Democratic Services Officer)

### 32 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 03 December 2015 were agreed as a true record and signed by the Chairman.

### 33 DECLARATIONS OF INTEREST

No questions were asked or had been submitted by members of the Public.

### 34 ORDER OF MEETING

The order of items on the Agenda was changed in agreement with the Committee, as follows: Item 04 – *Salesian College Sports Ground*; Item 06 – *1 Willis Close*; Item 03 – *74 Ewell Park Way*; Item 05 – *9 Walnut Close*.

### 35 PLANNING APPLICATION 15/00845/FUL - SALESIAN COLLEGE SPORTS GROUND, OLD SCHOOL LANE, EWELL KT17 1TJ

#### ***Description***

Demolition of existing buildings. Erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all-weather surface, the erection of a two storey pavilion, and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane.

### ***Decision***

**Resolved** as follows:

#### **Part A:**

**Subject to prior referral to the Secretary of State and the application not being called in for determination, and subject to a legal agreement being completed and signed by 14 March 2016 to secure the following heads of terms:**

- (1) The provision of 24 of the one bedroom units as affordable rented units to be occupied by persons nominated by Epsom & Ewell Borough Council and Surrey County Council in perpetuity;**
- (2) a restriction on occupation of each of the Extra Care units to at least one person per unit who is over the age of 65 and who is in need of care with any spouse having to be at least over the age of 50;**
- (3) Ensuring that the retained area of playing fields is governed by the National Playing Fields Association under a 'Fields in Trust' arrangement and maintained in perpetuity for local sports and leisure use;**
- (4) Ensuring that public access (including local schools) is available to the playing fields for the majority of daytime use during term time, and at some peak times also.**
- (5) The use of at least £900,000 of the funds from the sale of the land by the Salesians of Don Bosco towards improvements of the retained sports fields**

**PERMIT** subject to the following conditions:

**Condition(s):**

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

- (2) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

**Reason:** To enable the local planning authority to exercise control over the type and colour of the materials so as to secure a satisfactory appearance in the interests of the visual amenities and character of the locality as required by Policy CS5 of the Core Strategy 2007 and Policy DM10 - Design Requirements for New Developments

- (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 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 Document 2015.

- (4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in

accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

- (5) The development hereby approved shall not be occupied until the proposed road table and footway widening improvement (as shown on Plan 4200-003 Rev A in the Transport Assessment Appendix R) has been designed /constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority and carried out under S278 of the Highways Act.

**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.

- (6) The development hereby approved shall not be commenced until the proposed vehicular/pedestrian modified access to Old Schools Lane has been constructed and provided with visibility zones in accordance with the approved plans. The access shall be constructed in accordance with the approved details and shall be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction.

**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.

- (7) 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 40 cars (Sports Facility) 31 cars (Extra Care Facility) and a minimum of 24 bicycles (Sports Facility) 12 bicycles (Extra Care Facility) to be parked. 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.

- (8) **No development shall commence until a Construction Transport Management Plan, to include details of:**
- (a) **parking for vehicles of site personnel, operatives and visitors**
  - (b) **loading and unloading of plant and materials**
  - (c) **storage of plant and materials**
  - (d) **programme of works (including measures for traffic management)**
  - (f) **HGV deliveries and hours of operation**
  - (h) **measures to prevent the deposit of materials on the highway**
  - (k) **on-site turning for construction vehicles**

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

- (9) **No development shall take place until a Travel Plan has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented at the first occupation of the development hereby permitted and for each subsequent occupation of the development. The results of the implementation and monitoring shall be made available to the local planning authority on request together with any changes to the plan arising from those results.**

**Reason:** To encourage travel by means other than private motor vehicles in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies 2015.

- (10) **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 and shall include means of providing the energy requirements of the development from renewable technologies. Thereafter, the development shall be carried out in strict accordance with the approved details.**

**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 and to comply with policy CS6 of the Core Strategy 2007.

- (11) Prior to occupation of the new building, bat and bird boxes shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.

**Reason:** To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (12) 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.

- (13) Prior to the commencement of the development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should deal with the following issues:

- o Installation of bat boxes
- o Details of lighting measures to minimise light spillage
- o Compensatory refuge habitat for reptiles, (including stag beetles)

**Reason:** To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (14) Any trees proposed to be felled as a result of the development hereby permitted shall be replaced by other trees in accordance with a scheme to be submitted to and approved by the local planning authority, and all planting in accordance with such an approved scheme shall be completed within a period of twelve months from the date on which the development of the site is commenced or shall be carried out in the first planting season following completion of the development.

**Reason:** The trees within the site make a substantial contribution to the visual amenities enjoyed by residents in the area and the felling of any trees without replacement would be detrimental to such amenities and contrary to Policies DM5 and DM9 of the Development Management Policies Document 2015.

- (15) Clearance of any vegetation shall be conducted outside the bird nesting season (March - August) to avoid disturbing or injuring birds that may be nesting within them.

**Reason:** To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (16) Prior to the commencement of development the Japanese knotweed on the site should be correctly removed and disposed of.

**Reason:** To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (17) Prior to the commencement of development, a 1:20 scale vertical section through the front and flank elevations including details of windows (including head, sill and window reveal details), balcony balustrade, rainwater goods, as well as a 1:50 scale typical elevation, 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:** In the interest of the character and appearance of the conservation and wider area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies Document 2015.

- (18) Prior to the occupation of the new sports pavilion: :

(a) details of floodlighting to the all-weather pitch shall be submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage, operating hours and intensity of illumination.

(b) the floodlighting or external lighting scheme has been installed, maintained and operated in accordance with the approved details. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies 2015.

- (19) Prior to the occupation of the new sports pavilion details of the opening hours and use shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in strict accordance with the approved details.

**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.

- (20) No development shall take place until arrangements have been made for an archaeological watching brief to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by the local planning authority. The development shall only take place in accordance with the watching brief proposals agreed pursuant to this condition and shall be carried out by a suitably qualified investigating body approved in writing by the local planning authority.

**Reason:** To ensure that any archaeological evidence discovered during ground works is adequately recorded in accordance with Policy CS5 of the Core Strategy (2007).

- (21) 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.

- (22) Before the development hereby permitted commences and in addition to any assessment provided with the application, a ground contamination investigation and risk assessment must be completed. The scope and detail of these are subject to the approval in writing by the local planning authority. The investigation and risk assessment must be undertaken by suitably qualified and accredited persons and a written report of the findings must be produced. The final written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) details of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land and occupants
- groundwaters and surface waters
- ecological systems

- **archaeological sites and ancient monuments**

**(iii) details of viable remedial options, and identification of and justification for the preferred option(s).**

**This must be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.**

**The development must be carried out in complete accordance with the approved written report. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until appropriate remediation has been undertaken.**

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

- (23) A detailed drainage scheme shall be submitted to the satisfaction of the Local Planning Authority before development commences. The drainage scheme shall include the principles and outline design details which form part of the details submission for planning. The detailed drainage scheme should include SUDS measures no less than**

**(i) detention basins, swales and below ground attenuation storage**

**(ii) restriction of flows of site to a limiting discharge of 5l/s for all events up to and including 1 in 100 yr plus climate change event.**

**The scheme shall include details for the adoption and maintenance of the drainage measures in perpetuity.**

**Reason: To ensure a satisfactory surface water drainage scheme including SUDS measures to reduce the risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

- (24) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

1) We acknowledge that a preliminary risk assessment has been submitted and is acceptable. It recommends additional site investigations are carried out.

2) Site investigation schemes, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

- (25) No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

**Management Policies 2015 and the National Planning Policy Framework.**

- (26) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

- (27) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

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

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

**Management Policies 2015 and the National Planning Policy Framework.**

- (29) The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment prepared by Ambiental Technical Solutions Ltd. dated January 2016 reference number 2511 and the following mitigation measures, as detailed in sections 7.1 and 7.2:
- More/Less vulnerable uses to be put in Flood Zone 1.
  - Only water compatible uses to be put in Flood Zones 2 and 3.
  - A formal flood warning and evacuation plan to be implemented at the discharge of condition stage.
  - No construction or land-raising will be undertaken in Flood Zone 3 (including the effects of climate change).
  - Finished Floor Levels for the buildings to be set no lower than 33.25mAOD.
  - Use of flood resistant and flood resilient construction techniques as described in section 7.2.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS6 of the Core Strategy 2007.

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

23922/ P101/P1	Proposed Site Plan (overall)
23922/ P102	Proposed Site Plan (Extra Care & Details)
23922/ P103	Proposed Ground Floor Plan
23922/ P104	Proposed First Floor Plan
23922/ P105	Proposed Second Floor Plan
23922/ P106	Proposed Roof Plan
23922/ P107	Proposed Elevations
23922/ P108	Proposed Elevations
23922/ P109	Typical Apartment Layouts
23922/ P110	Comparison Elevations
23922/ P111	Elevation Detail – South Block & Hub
23922/ P112/P1	Proposed Landscape Bund
4200/ 001 Rev A	Highway Access
4200/ 003 Rev A	Pedestrian Improvements Option 2 – Shared Surface
Tree Constraints Plan Sheet 1	Tree Constraints Plan
Arboricultural Impact Assessment Sheet 1	Arboricultural Impact Assessment
Arboricultural Impact Assessment Sheet 2	Arboricultural Impact Assessment
SC – Two Floor Pavilion Rev B	Proposed Pavilion Floor Plans
SC – Two Floor Pavilion Detailed Elevation	Proposed Pavilion 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(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012**
- (2) No burning of materials obtained by site clearance shall be carried out on the application site.**
- (3) The water efficiency standard required under condition 18 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.**

**Part B:**

**In the event that the section 106 Agreement referred to in Part A is not completed by 14 March 2016, the Head of Place Development be authorised to refuse the application for the following reasons:**

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

*The Committee noted verbal representations from the Applicant, a Supporter and two Objectors. Letters of representation from local residents were published on the Council's website and made available to the public and members of the Committee in advance of the meeting.*

*Note: Councillor George Crawford and Councillor Clive Woodbridge were in attendance for this item.*

- 36 PLANNING APPLICATION 15/00783/CAT - 1 WILLIS CLOSE, EPSOM, SURREY KT18 7SS

**Description**

Objection to the implementation of a Tree Preservation Order on a Goat Willow at 1 Willis Close – Tree Preservation Order No. 448.

**Decision**

**PERMITTED** that Tree Preservation Order 448 be implemented without modification

*The Committee noted a verbal representation from an Objector. Letters of representation from local residents were published on the Council's website and made available to the public and members of the Committee in advance of the meeting.*

- 37 PLANNING APPLICATION 15/00767/TPO - 74 EWELL PARK WAY, STONELEIGH KT17 2NW

**Description**

Objection to the implementation of a Tree Preservation Order on a Scots Pine tree at 74 Ewell Park Way – Tree Preservation Order 449

**Decision**

**PERMITTED** that Tree Preservation Order 449 be implemented without modification

- 38 PLANNING APPLICATION 14/01017/CAT - 9 WALNUT CLOSE, EPSOM KT18 5JL

**Description**

Objection to the implementation of a Tree Preservation Order on a Silver Birch tree at 9 Walnut Close – Tree Preservation Order No. 442A

**Decision**

**PERMITTED** that Tree Preservation Order 442A be implemented without modification

- 39 SITE VISITS

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

- Nescot reconfiguration, 91 Reigate Road, Ewell KT17 3DS Ref: 15/01299/FUL

- 
- Grange Mansions, Kingston Road, Ewell KT17 2AD Ref: 15/01388/FUL
  - Former Diary Crest site, Alexandra Road, Epsom KT17 4BJ  
15/01346/FUL

*The meeting began at 7.30 pm and ended at 9.47 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)