

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

PRESENT -

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

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

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

1 DECLARATIONS OF INTEREST

Declarations of Interest

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

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

Declarations of Interest

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

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

2 MINUTES OF THE PREVIOUS MEETING

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

3 3 ROY RICHMOND WAY, EPSOM, SURREY

Description

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

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

Decision

The Committee received a presentation from the Principal Planning Officer.

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

CONDITIONS:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

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

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

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

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in

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

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

6. No development shall commence until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) measures to prevent the deposit of materials on the highway
- g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h) on-site turning for construction vehicles

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

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015) and Policy CS16 of the Core Strategy (2007).

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

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

8. The development hereby approved shall not commence trading until the existing eastern access from the site to Roy Richmond Way has been permanently closed and any kerbs, verge, footway, fully reinstated.

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

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

the development, thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

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

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

11. The development hereby permitted shall not commence (with the exception of site clearance) until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG.

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

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

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

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

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

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

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

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

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

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

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

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

16. Prior to the commencement of trading on site, the approved remediation scheme prepared under Condition 15 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

4. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

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

6. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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

8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

9. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

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

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

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

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

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

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

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

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

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

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

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

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

Description

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

Decision

The Committee received a presentation from the Principal Planning Officer.

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

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

24SSRP002/2 Proposed plans

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

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

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

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

Reason: To ensure that the occupiers of the flat units do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the premises in the National Planning Policy Framework 2019 and Policy DM10 of the Development Management Policies Document 2015.

Informatives:

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. The applicant is advised of the following with regard to waste servicing:

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

5 PLANNING APPEALS UPDATE

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

The meeting began at 7.30 pm and ended at 7.55 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)