

Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 24 September 2024

PRESENT -

Councillor Peter O'Donovan (Chair); Councillor Neil Dallen (Vice-Chair); Councillors Robert Leach, Shanice Goldman, Julie Morris, Phil Neale, Kieran Persand, Humphrey Reynolds and Clive Woodbridge

In Attendance: Councillor Christine Howells and Councillor Steven McCormick

Absent: Councillor Rob Geleit

Officers present: Justin Turvey (Head of Place Development), Victoria Potts (Director of Environment, Housing and Regeneration), Ian Mawer (Planning Policy Manager) and Phoebe Batchelor (Democratic Services Officer)

10 QUESTIONS AND STATEMENTS FROM THE PUBLIC

No questions or statements were received from members of the public.

11 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

12 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Licensing and Planning Policy Committee held on 11 July 2024 were agreed as a true record and signed by the Chair.

13 PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM

The Committee received the draft response to the Government consultation on changes to the National Planning Policy Framework (NPPF). The response has been drafted in the knowledge that the proposed changes are only being consulted on and its publication does not mean that the planning system or the NPPF has changed yet.

The following matters were considered:

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- a) **Tree Applications.** A Member of the Committee raised that Tree Applications should be subject to a fee that recovers the Council's costs, when it applies to Conservation areas and Tree Preservation Orders, and that this is something the Council should push Central Government for. The Member queried if this part of the response could be toughened up to highlight that the Council favours a fee structure that could recover costs fully. The Head of Place Development explained that there is an added financial responsibility already on owners of trees in conservation areas or that have TPOs, so the idea of not charging anything at all is to help with the added costs that other households don't have to pay, when preparing those tree applications. The Head of Place Development explained that the response detailing that some of the standard rate should be paid, not the full rate, is to recognise the cost to the Council, rather than to impact the affected householder even more. Another Member of the Committee raised that they also believed higher fees should be in place for Tree Applications, to take into account the time and expertise needed to deal with them.
- b) **Standard Method.** The Planning Policy Manager informed the Committee that the changes to the Standard Method are part of the Government consultation and the Council's response strongly states that the Council does not agree with the proposed changes to the Standard Method. A Member of the Committee raised that they believe the local housing need is zero and expressed their disagreement with the housing number calculated by the Standard Method. The Member continued to state that the issue with housing targets and methodology was due to the Conservative Government. Another Member of the Committee responded to state that the Conservative Government got rid of mandatory targets and made them advisory. The Member continued to say that it is not the Conservative Government, but the Residents' Association led Council who wish to build on the Greenbelt Land. Another Member of the Committee acknowledged the need for the right kind of housing in the borough but raised their concerns with the Standard Method and expressed a view that that the 2018 ONS figures portrayed a fairer picture of what could be achieved and aimed for.
- c) **Climate Change.** A Member of the Committee raised their disappointment at the lack of thrust towards climate change and renewables in the proposed changes.
- d) **Thanks.** A Member of the Committee commended the Officers for their work drafting the responses to the Government Consultation.
- e) **Housing Need.** A Member of the Committee disagreed with previous comments made about the local housing need being zero, and expressed their opinion that currently there is a great need for housing in the borough, and more importantly, affordable housing. The Member continued to express their disappointment and disagreement with the comments regarding the RA wanting to build on Greenbelt Land, and

explained that this is not the case, but rather the Council is having to follow the Standard Method, as imposed by Central Government.

f) **Transitional arrangements.** The Chair agreed with comments submitted by the Liberal Democrats group, on the transitional arrangements referenced in question 103. The Chair explained that they also believe the time period proposed by the Government, will not be acceptable and is not realistic, when taking into the account the time it takes to see a Local Plan through to submission. The Planning Policy Manager informed Committee Members that the drafted response suggests that the transitional period be increased to 6 months instead of 1 month. The Planning Policy Manager acknowledged that some Members have expressed that the period should be longer.

- Councillor Julie Morris proposed an amendment to the response to Question 103 of the Government consultation, in reference to the potential wording for paragraph 226 of the NPPF;

a. ~~the emerging annual housing requirement⁸³ in a local plan that reaches or has reached Regulation 19 (presubmission stage) on or before [publication date + 1 year] is no more than 200 dwellings below the published relevant Local Housing Need figure⁸⁵;~~

b. the local plan is a Part 2 plan that does not introduce new strategic policies setting the housing requirement unless the relevant Local Plan Part 1 has been prepared applying the policies in this version of the Framework;

c. the local plan is or has been submitted for examination under Regulation 22 on or before [publication date + 1 year].

The proposal was seconded by Councillor Kieran Persand.

The Committee agreed the proposed amendment (4 for, 2 against, 2 abstaining, and the Chair not voting).

Following consideration, the Committee resolved to;

(6 for, 1 against, 1 abstaining, and the Chair not voting)

(1) Note the contents of the consultation.

~~**(2) Approve the draft response (Appendix 1) or;**~~

(3) Agree amendments and authorise the Head of Place Development in consultation with the Chair of this Committee, to finalise and submit the response.

14 EPSOM TOWN CENTRE MASTERPLAN

The Committee received a report seeking approval to publish the Final Epsom Town Centre Masterplan. A Draft of the Town Centre Masterplan was subject to public consultation for a four-week period between the 24 November and 22 December 2023 during which 203 responses were received.

Since the Draft masterplan was published for consultation, landowners on some of the opportunity sites have commenced developing schemes for consideration through the submission of planning applications (including pre-application).

The Town Centre Masterplan will form part of the evidence base for the Local Plan (Regulation 19) and will not be a statutory planning document.

The following matters were considered:

- a) **Motorists.** A Member of the Committee raised their concerns at the attitude of the Masterplan towards motorists, and the loss of parking spaces, and narrowing of roads for cycle lanes. The Planning Policy Manager explained that the transport strategy elements of the Masterplan, are high-level, aspirational and illustrative, and would require further assessment and detailed work to determine how they would work if put into practice.
- b) **Density and Height.** A Member of the Committee raised that the borough needs to build upwards in the more urban settings, as this will contribute towards the housing need, whilst helping to preserve Greenbelt Land. The Member asked why the proposed SGN site has come forward with less homes than originally anticipated. The Planning Policy Manager explained that there will always be variance between Masterplan concepts and Planning applications and the variance is due to the three different options set out in the Masterplan, which range in size and will be impacted by the size of the Laine replacement facility. The Member asked which other sites have been considered when taking into account density and height. The Planning Policy Manager informed the Committee that the core changes were the Town Hall site and combined with the Hope Lodge, Epsom Clinic, and Ambulance Station site, which have all been looked at to see what different options could be accommodated on those sites, including proposals for flatted schemes, up to 5 Storeys.
- c) **Publication.** A Member of the Committee raised that Members are being asked to approve the publication of the Masterplan, not to approve the Masterplan. The Chair agreed with the Member but highlighted that now was also the time for Members to ask questions and seek clarity on specific areas. The Planning Policy Manager informed the Committee that the Masterplan had already been out for two rounds of consultation, and explained that because it is evidence based, it is not formally adopted, but instead it is published and then becomes part of the Local Plan evidence base. Another Member of the Committee raised that it is important to ask questions to clarify the contents of the document. Another Member of the

Committee raised that it is important to make the distinction between a discussion document and a policy document, to ensure that it is clear what the Council intends to do compared to what could be done. The Chair noted the comments.

Following consideration, the Committee unanimously resolved to:

- (1) Approve publication of the Epsom Town Centre Masterplan (Appendices 1 and 2 of this report).**

15 LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN

The Committee received a report providing an update on the Phase 1 work undertaken to develop a Local Cycling and Walking Infrastructure Plan (LCWIP) for Epsom and Ewell Borough Council.

The following matters were considered:

- a) **Opposition to Plan.** A Member of the Committee raised their opposition to the LCWIP and expressed that they do not believe it is the job of the Council to tell residents how they should travel within the borough. The Member stated that they do not see people using the cycle lanes in the borough. The Member stated the report is well written.
- b) **Public Health.** A Member of the Committee raised that cycling and walking are to do with public health, and the government does have a responsibility and a duty to encourage good health, it is not a matter of telling people what to do.
- c) **Cycle Lanes.** A Member of the Committee raised that it is about creating options for people to then make the decision for themselves. The Member also disagreed with previous comments regarding the lack of use of cycle lanes and stated that the cycle lanes within the borough are well used. The Member informed the Committee that a lot of work has taken place over the years, to improve cycle lanes and join them up throughout the borough. Another Member of the Committee agreed with the comments about Public Health and frequent use of Cycle Lanes.

Following consideration, the Committee resolved to;

(7 for, 1 against, and the Chair not voting)

- (1) Endorse the Epsom and Ewell Local Cycling and Walking Infrastructure Plan – Phase 1.**

16 ARTICLE 4 DIRECTIONS - OFFICE BUILDINGS AND PRIMARY FRONTAGES

The Committee received a report recommending that the Committee approves cancelling of the Article 4 directions relating to employment office buildings and primary retail frontages under the GDPO.

The following matters were considered:

- a) **Clarification.** A Member of the Committee asked if taking away the Article 4 directions would encourage development and queried what taking them away means. The Planning Policy Manager explained to the Committee that nationally there are permitted development rights that cover a range of things, one introduced by the Government years ago, was regarding enabling the conversion of offices to residential use, subject to certain criteria. The Planning Policy Manager informed the Committee that an Article 4 direction can take away a permitted development right, which would mean planning permission is required, however in the case of the examples in the report, the permitted development right that was taken away no longer exists.
- b) **Conversion.** A Member of the Committee asked if the cancellation of the Article 4 directions would make it easier for someone to convert retail units into dwellings. The Planning Policy Manager informed the Committee that it would make no difference because there is a permitted development right in force at present, that enables to conversion of Class E Floor Space, which is set out in the report at paragraph 2.1, to residential floor space, subject to certain criteria being met. The Member asked if the Council wanted to restrict the ability of owners of retail units to convert them to residential, is there anything we can do. The Head of Place Development informed the Committee that they would need prior approval application. The Head of Place Development explained that the purpose the Article 4 directions was to protect the office space, but now the use class involves offices and also light industrial shops, financial services, cafes, creches, indoor sport, and medical health services, meaning the variety of uses that could have gone into the original unit has significantly changed since the Article 4 directions were put in place.

Following consideration, the Committee unanimously resolved to:

- (1) **Approve the cancellation of the Article 4 directions confirmed in December 2015 relating to changes of use from employment office buildings to residential use (C3) contained in Appendix 1.**
- (2) **Approve the cancellation of the Article 4 directions confirmed in October 2015 relating to changes of use in retail frontages contained in Appendix 2.**

17 AUTHORITY MONITORING REPORT 2023/24

The Committee received the Authority Monitoring Report (AMR), that has two purposes; to monitor progress towards new Local Development Documents and to monitor the effectiveness of key policies set out in Local Development Documents.

The following matters were considered:

- a) **Previous Reports.** A Member of the Committee asked if this report has been published in previous years. The Planning Policy Manager confirmed it is published annually and presented to the Committee. The Planning Policy Manager informed the Committee that they can find previous iterations of the report on the Council's website.

Following consideration, the Committee unanimously resolved to:

- (1) **Note the content of the Authority Monitoring Report for the 2023/24 Monitoring year and agree to it being published.**

18 MOTION 1 REFERRED FROM FULL COUNCIL ON 30 JULY 2024

The Committee received a report providing a basis for debate of the motion submitted to the meeting of Full Council on 30 July 2024 in relation to the role and function of LPPC and the arrangement of additional meetings to discuss the scope and content of the Local Plan.

The following matters were considered:

- a) **Scrutiny.** A Member of the Committee expressed their disappointment with the Local Plan process and raised concerns regarding a lack of scrutiny of decisions done by the Licensing and Planning Policy Committee. The Member stated that the Local Plan process has been rushed and not enough has come to LPP Committee to discuss and decide.
- b) **Public Engagement.** A Member of the Committee raised that the Local Plan process needs more engagement with the public. The Member expressed that the public should be communicated with to explain plans and problems, in order to educate and demonstrate to the public as to why the Council can do some things and why they can't do others. The Member expressed disappointment with the lack of engaging the public, given the Local Plan is such an important document and confusing process.
- c) **Officer Report.** A Member of the Committee expressed sympathy with previous comments and issues raised, but agreed with the Officer recommendation, and information set out in the report, detailing that the Licensing and Planning Policy Committee does not have legal authority to

pass the proposed motion. The Member stated that Councillors will have an opportunity to have their say on the Local Plan document when it comes to LPP Committee on the 20 of November. The Member stated that Officers collect evidence, alongside consultants, and write the report and present it, but it is up to Councillors to accept or reject the report and its recommendations.

- d) **Party Political Motion.** A Member raised that the motion submitted was politically motivated and to be used to campaign against the majority group. Another Member echoed the comments.
- e) **Meetings.** A Member of the Committee raised that they would be abstaining as they could not support the motion or the Officer recommendation. The Member raised that the motion is too broadly worded and would have worked better if it specified sites and asked for meetings that could go through sites on a site-by-site basis. The Member agreed that more meetings were necessary and expressed frustration that the Local Plan process was not as transparent as it should be. The Member raised that there is nothing else to discuss until the Full Local Plan document is shared and in front of Councillors.
- f) **Member Briefing.** A Member of the Committee raised that they are sympathetic to comments from the Liberal Democratic and Conservative Members. The Member continued to highlight that there had been multiple Member briefings covering a range of Local Plan topics. The Member pointed out that the Conservative Councillors had not attended all briefings offered.
- g) **November LPPC.** A Member of the Committee highlighted that the November LPPC meeting is the chance to say what you want about the Local Plan with the evidence base in front of you. The Member explained that Full Council in December, is another opportunity to speak on the Local Plan before a decision is made. The Member echoed comments about there being Local Plan Member briefings– evidence pieces have come to this Cttee and sometimes to full council and have been in the public domain and debated publicly. The council has no control over the local plan process which was set by the Central Government – it is a long and costly process.
- h) **Pre-Meeting.** Multiple Councillors raised that it would be beneficial to have a pre-meeting on the Local Plan Regulation 19 document, before the 20 November LPP Committee Meeting. A Member of the Committee raised that this is especially important as the LPP Committee Meeting is too close to December Full Council for any real changes to be implemented and made between the Committee Meetings. The Chair responded to inform the Committee that the Local Plan Pause caused issues to the Local Plan process as Officers were not able to work on the Local Plan during the pause, meaning deadlines the Council has to meet to submit on time, under the current arrangements, are very close. The

Chair highlighted that the Council would be further along the process had the pause not happened. The Chair informed the Committee that if a pre-meeting is able to happen, it will.

- i) **Elmbridge Local Plan.** A Member of the Committee highlighted to Members the issues currently being faced by Elmbridge Borough Council, whose Local Plan has failed due to Greenbelt sites being removed. Another Member countered to say that the Elmbridge Local Plan was thrown out by the Inspector, not because they removed Greenbelt sites, but because of the way Officers went about doing it.
- j) **Public perception.** A Member of the Committee called on fellow Councillors to not feed into the public fear surrounding the Local Plan. The Member wished to reassure residents that Councillors across all political groups wish to protect and save the Greenbelt. The Member stated that Members do not have the evidence base in front of them, and confirmed that once they do, they can respond to it at the November public Committee meeting.
- k) **Summary.** The Member who proposed the motion, expressed an apology to residents and stated that they believe the Residents' Association wants to build on the Greenbelt. The Member stated that their motion was not politically motivated, but they had submitted their motion to aid transparency, not to up-end the Local Plan process. The Member expressed that they are doing their duty to serve their residents and protect the Greenbelt.

Following consideration, the Committee resolved to;

(5 for, 2 against, 1 abstaining, and the Chair not voting)

- (1) **Note the motion, as debated, and take no further action in light of the content of the report.**

19 MOTION 5 REFERRED FROM FULL COUNCIL ON 30 JULY 2024

The Committee received a report providing a basis for debate to the motion submitted to the meeting of Full Council on 30 July 2024 in relation to the release of Green Belt through the Local Plan process.

The following matters were considered:

- a) **High Performing Greenbelt.** A Member of the Committee advocated for the exclusion of high performing Greenbelt land from the Local Plan. The Member expressed that residents have been left in the dark, and the Local Plan process is nearly at the point where public input may no longer have a meaningful impact. The Member reminded Councillors of their duty to act on Residents' concerns, and not to prioritise the bureaucratic process over the democratic role and responsibility of elected Members.

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- b) **Regulation 19.** The Chair made clear the public will be able to have their say throughout the Regulation 19 Consultation period. The explained to the Committee that all public consultation comments will get submitted alongside the Local Plan document and evidence base, to the Inspector to be examined. The Chair did not agree with comments that the public will not have a say or opportunity to input. The Chair highlighted that the Council will only go out to public consultation if the Licensing and Planning Policy Committee and Full Council agree the Local Plan.
- c) **Response to Motion.** A Member of the Committee raised that the motion is poorly written and does not make clear which sites it is talking about. The Member highlighted that the Liberal Democrat group are supportive of building on previously developed land in the Greenbelt and is acutely aware of the homelessness issue and housing need in the borough. Another Member echoed the comments and states that no Councillors across any of the political groups want to build on untouched Greenbelt land. The Member stated that there is a procedure the Council has to follow, and the Council runs the risk of the Local Plan being found unsound, if all Greenbelt sites are removed.
- d) **Housing need and Standard Method.** A Member of the Committee raised that Members have already told Officers that the Council will not meet the housing target set out by the previous Government or current Government, which puts the Council at risk, therefore, the Council cannot afford to reduce the number of homes to be built annually even further. The Member urged the Committee to be realistic and highlighted the need to submit a Local Plan that will be found sound. The Member raised that the Council cannot lose control of planning development, by being stuck with a dated and not fit for purpose Local Plan even longer.
- e) **The Local Plan Process.** The Chair raised that when the Local Plan was unpaused, a motion was proposed to remove all the greenbelt from the Plan, and it was made clear that the Council could not do that. The Chair emphasised that the Local Plan process is not set by the Council or the Residents' Association, it is set by Central Government and the Council must follow it. The Chair highlighted that the Council would love to share more information and have more autonomy over the process, but it must follow the process as set out. The Chair called attention to the fact that the process was shortened, due to the pause, meaning now Officers are working as hard as they can to ensure the Council meets deadlines. The Chair informed the Committee that the November LPP Committee Agenda has been cleared so Members can discuss the Local Plan document and evidence base fully. The Chair informed the Committee that Officers can try and produce papers earlier and arrange a pre-meeting to give Members as much time as possible to digest the Local Plan documents.
- f) **Summary.** The Member who proposed the motion, raised that Epsom & Ewell can state that the Council has exceptional circumstances to not build on the greenbelt, and does not need to give a reason to the

Inspector as to why we should build on greenbelt land. The Member stated that the Council are giving up Greenfield sites instead of Brownfield sites to deal with housing need. The Member raised that the Local Plan is a Residents' Association Plan as they are the majority Group. The Member raised that the housing targets are not mandatory so the Council did not need to try and meet them and should instead think of the Residents and their wishes.

Following consideration, the Committee resolved to;

(5 for, 1 against, 2 abstaining, and the Chair not voting)

- (1) Note the motion and take no further action in light of the content of the report.**

The meeting began at 7.30 pm and ended at 9.15 pm

COUNCILLOR PETER O'DONOVAN (CHAIR)

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