

## Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 20 November 2024

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### PRESENT -

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

In Attendance: Councillor Kate Chinn, Councillor Bernice Froud, Councillor Tony Froud, Councillor Christine Howells, Councillor James Lawrence, Councillor Steven McCormick and Councillor Bernie Muir

Officers present: Victoria Potts (Director of Environment, Housing and Regeneration), Piero Ionta (Head of Legal Services and Monitoring Officer), Justin Turvey (Head of Place Development), Ian Mawer (Planning Policy Manager), Harry Burchill (Principal Planning Policy Officer), Wai-Po Poon (Principal Planning Policy Officer), Susie Legg (Principal Planning Policy Officer), Benjamin Rafferty (Planning Officer), Tim Richardson (Democratic Services Manager), Dan Clackson (Democratic Services Officer) and Phoebe Batchelor (Democratic Services Officer)

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### 26 QUESTIONS AND STATEMENTS FROM THE PUBLIC

Three Members of the Public provided verbal statements to the Committee.

### 27 DECLARATIONS OF INTEREST

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

### 28 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meetings of the Licensing and Planning Policy Committee held on 24 September and 17 October 2024 were agreed as a true record and signed by the Chair.

### 29 PROPOSED SUBMISSION EPSOM AND EWELL LOCAL PLAN (REGULATION 19)

The Committee received the Proposed Submission Local Plan (2022-2040).

The Planning Policy Manager suggested that a sixth recommendation be added to the report, which would, *'nominate and authorise the Head of Place*

*Development in consultation with the Chair of Licensing and Planning Policy Committee to make changes and corrections further to any typographical and grammatical errors to the Local Plan prior to Regulation 19 public consultation commencing,' to ensure that minor corrections can be made prior to the Proposed Submission Local Plan (2022-2040) going out to public consultation.*

Councillor Howells made a verbal statement to the Committee.

The following matters were considered:

- a) **Thanks.** The Chair expressed thanks to Officers for their work on producing the Local Plan documents throughout the whole Local Plan process. This thanks was echoed by several Members of the Committee. Several Members also expressed thanks to Councillor McCormick for his work as the previous Chair of the Licensing and Planning Policy Committee.
- b) **Local Plan Process.** Members of the Committee raised their frustration with the Local Plan process and the amount of time and money that has been spent due to the process set out by Central Government.
- c) **Greenbelt.** A Member of the Committee raised that if Greenbelt sites are removed from the Local Plan, it will almost certainly be rejected by the Planning Inspector. The Member continued to explain that removing Greenbelt sites from the Local Plan would affect its soundness and decrease the provision of housing in the borough.
- d) **Population Density.** A Member of the Committee raised concerns with building more housing in Epsom, as Epsom already has a population density five times the national average. The Member expressed reluctance in voting for the Local Plan.
- e) **Officers.** The Chair reminded Members to be mindful about how they speak to or about Officers in regard to their work on the Local Plan documents.
- f) **Housing.** A Member of the Committee stated that the rules set out by Central Government fail to deal with actual housing need and population growth in Epsom and Ewell. The Member expressed that Central Government also fail to allow the Council as the Local Planning Authority to insist that developers must build affordable homes. The Member highlighted that this issue is a big problem for the borough as there is a huge need for social housing, rental properties, housing for key workers, and housing for homeless people. The Member raised that the Local Plan is not solving the problems raised and that is a huge concern.
- g) **Changes to the Local Plan.** A Member of the Committee asked for confirmation that Committee Members will get an opportunity to ask for changes to Appendix 1 (the Local Plan). The Monitoring Officer and Head of Legal informed the Committee that if Members wish to make changes,

they need to propose a motion, have it seconded, and then the Committee will take a vote on that. It was advised that all opening statements were given first and then motions can be proposed if needed.

- h) **Gypsy and Traveller Sites.** A Member of the Committee raised that in paragraph 3.24 of the report, it is stated that Surrey County Council have confirmed there is no opportunity to expand or intensify the two public gypsy and traveller sites in the borough. The Member asked if Surrey County Council had provided that information in writing. The Planning Policy Manager informed the Committee that the Gypsy and Traveller liaison officer employed by SCC, had confirmed that in writing.
- i) **Non-travelling travellers.** A Member of the Committee asked if housing should be provided for travellers who have decided not to travel, instead of pitches and sites. The Planning Policy Manager explained that it is partly to do with their protected characteristics as an ethnic group, as Gypsies and Travellers are protected under the Equalities Act. The Planning Policy Manager explained that under the previous government guidance, the definition for the purpose of assessing need for Gypsies and Travellers was only those that travelled. The Planning Policy Manager explained that the Gypsy and Traveller community challenged the definition extensively and ended up in the high court, where the Government lost, so as a result, when the NPPF changes were published in December, there was also an update to the National Planning Policy for Travellers document published, and in there they have clarified the definition has been reverted back to the previous definition, so you have to include travelling and non-travelling travellers when we are assessing need. The Planning Policy Manager explained that in our Gypsy and Traveller accommodation assessment, there is a split, meaning that there is a need for 10 pitches for those that travel and 8 that don't travel.
- j) **Density.** A Member of the Committee queried why the density per hectare of Gypsy and Traveller Sites was considerably lower than the housing density per hectare. The Member continued to ask if the density of Gypsy and Traveller Sites could be raised to meet the borough need of 18 pitches, without designating a new site. The Planning Policy Manager informed the Committee that due to the cultural needs of Gypsies and Travellers, they need more space and are only living within single storey dwellings, whereas with housing, you can do 2 or 3 storeys to increase the density of dwellings, this is not possible on a traveller site.
- k) **Density figures.** A Member of the Committee asked who has determined the density figure, and whether it comes from guidance or legislation. The Planning Policy Manager explained that there was some guidance on good practice for establishing traveller sites and that is what has been reflected within the Local Plan. The Planning Policy Manager explained that it is to ensure there is enough room for the buildings, caravans, vehicles, and amenity space. The Planning Policy Manager confirmed it

would be challenging to get more pitches on the existing sites than currently set out.

- l) **Deliverable document.** A Member of the Committee commented that the previous Local Plan document was a deliverable plan that the Council delivered on. The Member continued to state that the new Local Plan documents are also deliverable and balanced. The Member highlighted the housing shortage in the borough and made clear that there is a chronic lack of housing supply, which is hugely impacting the Council's finances. The Member expressed that the Council need to deliver more housing than the last strategy, in a way that recognises that there are particular space constraints. The Member highlighted that it is also important that the Local Plan provides a basis for economic development, with retail development, whilst also protecting the horse racing industry. The Member expressed that it is important to recognise the progression of the Plan since the Regulation 18 consultation.
- m) **Horton farm.** A Member of the Committee acknowledged that Horton Farm is a high performing greenbelt site, that has issues in terms of flooding, and provides a strong biodiversity contribution to the borough, but highlighted that it is also a site which can deliver a significant number of houses, namely affordable housing and a Gypsy and Traveller site, which no other site can provide on that scale. The Member explained that the Gypsy and Traveller site is important as it is an equalities objective, as well as a planning objective. The Member highlighted that the chances of the Plan being found sound without the Horton Farm site, is extremely small. The Member explained that it is an unfortunate compromise that the Council must make to have a chance of getting a Local Plan found sound by the Planning Inspector. The Member pointed out that including Horton Farm might protect other greenbelt sites from development.
- n) **"Unbalanced Plan".** A Member of the Committee stated that no Members appear happy with the Plan and the Plan is unbalanced and bad. The Member highlighted that paragraph 1.3 of the report says Local Plans are not just about housing, but about securing higher environmental standards. The Member stated that it is a contradiction to therefore plan to build on one of the highest performing parcels of greenbelt land in the borough. The Member expressed frustration that the plan is not balanced and will fail to achieve the housing it sets out. The Member also shared that including Horton Farm in the plan won't protect other greenbelts sites, it will do the opposite, with the Planning Inspector potentially asking for more greenbelt sites to be included.
- o) **Developers.** A Member of the Committee expressed that the Council is currently at risk from developers because the current Local Plan and its policies are inadequate and out of date. The Member explained that –this balanced plan needs to be agreed and recommended to Full Council to protect from inappropriate development. The Member highlighted that the Council has pushed back against the targets imposed by Central

Government, but the plan needs to be found sound, and it is not a viable option to start again. This comment was echoed by other Members.

- p) **Feedback.** A Member of the Committee highlighted that if recommendation six was agreed, the Head of Place Development, in consultation with the Chair, would be authorised to make small changes and amendments to the Local Plan document prior to public consultation. The Member explained that they would suggest amendments and clarifications and leave the comments with Officers to action if necessary;
- Page 63 - The Member asked if it was clear that the evidence base documents have been updated. The Planning Policy Manager confirmed it is clear on the front of each document that it has been updated.
  - Page 67 - The Member requested the language on transport in paragraph 1.48, needs to be stronger. The Planning Policy Manager noted the comment.
  - Page 67 - The Member asked why Climate Change and Biodiversity is listed last, and request it is put further up the list. The Planning Policy Manager made clear that the bulleted list is not in order of priority or importance.
  - Page 68 - The Member expressed that the Plan is not strong enough on tree planting and carbon capture. The Planning Policy Manager highlighted that there are multiple references to carbon within the Plan, and Policy S3, page 81, refers to planting trees and other vegetation where appropriate. The Planning Policy Manager explained that the wider policy is about Climate Change mitigation and adaptation, meaning the value of trees is recognised in that policy. The Member stated that the Plan could be stronger on Climate Change generally.
  - Page 69 - The Member explained that it needs to be made clear and defined earlier on in the document, what Green and Blue infrastructure is. The Planning Policy Manager noted the comment.
  - Page 70 - The Member expressed that under point (b) supporting creative industries, it should include more and different kinds of industries. The Planning Policy Manager noted the comment.
  - Page 81 - The Member highlighted that in point (3) it states, 'planting trees and other vegetation where appropriate, as part of the landscaping scheme'. The Member stated that it is always appropriate to plant trees and vegetation as part of a landscaping scheme so the where appropriate should be removed. The Planning Policy Manager noted the comment.

- Page 85 - The Member asked what it means when it says adjoining Hook Road Car Park site as a future phase of the SGN development. The Planning Policy Manager set out that numerous options for the sites were looked at and there are multiple landowners across that site. The Southern Gas Network Sites Allocation is all under one single ownership and is subject to a live planning application. The adjoining site is owned by the Council and note currently a live planning application. The Planning Policy Manager explained that should they come forward at separate times, it doesn't prohibit the redevelopment of the adjoining site.
- Page 89 - The Member asked if the changes made to increase density to minimise the use of greenbelt, since Regulation 18, can be made clear. The Planning Policy Manager informed the Committee that the original scheme proposed for the Town Hall site was predominantly town houses with a small number of flats but now it is a flatted scheme which would deliver more dwellings in the Town Centre.
- Page 107 – The Member asked for clarification as to whether 12 or 14 dwellings will be built on SA23, as it says allocated for 12 but redevelopment of 14 dwellings granted. The Planning Policy Manager explained that there is currently two dwellings already on the site and clarified to the Committee that for Planning reporting purposes, only the net gain is reported, so the allocation is for the net which would be 12 dwellings.
- Page 120 - The Member asked why the Priest Hill site was removed and why the land next to Ewell East station had not been included in the plan. The Planning Policy Manager explained that there is a small allocation to the north of Ewell East station included in the Plan. The Planning Policy Manager continued to explain that the land at Priest Hill was promoted as being available back in Regulation 18 by the Landowner. However, it then became apparent that two rugby clubs have leases, with no break clause, on the vast majority of the land. Therefore, the Landowners would have to come to an agreement with the two rugby clubs to surrender those leases and then also find replacement accommodation. That is why the site was removed for the Local Plan.
- Page 124 - The Member highlighted that paragraph 6 of page 124 and 5.15 of page 123 contradict each other. The Planning Policy Manager noted the comment.
- Page 169 - The Member expressed that paragraph 2 has a lot of acronyms and asked if a glossary going to be included. The Planning Policy Manager confirmed that the glossary for the Plan can be found on page 203.

- Page 175 – The Member asked if Ewell High Street is still a hotspot for nitrogen dioxide, as set out in paragraph 7.71. The Planning Policy Manager confirmed that the levels are still monitored, and this would be clarified in the document.
  - Page 178 – The Member raised that the language should be stronger, for point 4), which sets out ‘losses of existing infrastructure will only be permitted where it can be clearly demonstrated, there is no longer a need for such infrastructure, or a suitable alternative is provided’. The Member suggested it says ‘in which case an alternative will be considered’ instead. The Planning Policy Manager noted the comment. The Planning Policy Manager explained that the intent of the policy is that losses of infrastructure will only be allowed where it can be demonstrated that there’s no longer a need for the infrastructure or it can be provided another way.
  - Page 180 – The Member raised that the high demand for allotments in the borough, is not made clear in the Local Plan, and suggested that there is more included regarding allotments and having them built as part of future developments. The Members suggested paragraph 8.13 is the most appropriate place to insert text about allotments. The Planning Policy Manager noted the comments.
  - Page 187 – The Member asked why a transport assessment must be done on developments of only 50 homes or more. The Member queried if there was any flexibility with that number and whether it could be lower. The Planning Policy Manager informed the Committee that the figure is set in national guidance, which Surrey County Council endorse. The Planning Policy Manager explained that the Local Plan does state that a transport statement may be required from smaller schemes.
- q) **Additional Need.** A Member of the Committee asked if relevant stakeholders’ comments on additional needs for schools, waste services, water infrastructure, will be challenged and investigated at examination stage. The Planning Policy Manager informed the Committee that if responses to the Local Plan raise concerns in relation to those matters, and potential soundness issues, they may be challenged. The Planning Policy Manager explained that if people challenge the figures and it is raised as a consideration, all those comments will get sent off to the examiner. It will then be up to the examiner to decide which matters to probe into during the examination process.
- r) **Schools.** A Member of the Committee asked if there is any provision for new schools to be built and if it had been considered by officers. The Planning Policy Manager responded to explain that the Local Plan is based on evidence, meaning if the statutory providers are telling us there

is no need for additional school capacity in the borough over the plan period, there are no provisions in the Plan for additional schools. The Planning Policy Manager explained that due to changing demographics and declining birth rates, there is no additional need for schools in the borough. The Planning Policy Manager set out that, in terms of where one could go, it could be an extension of an existing school. The Planning Policy Manager explained that the Council would need to be guided by the education authority on this.

- s) **Car Parks.** A Member of the Committee raised concerns about having enough car parking spaces in the Town Centre, due to a lot of Car Park sites being included for development in the Plan. The Planning Policy Manager informed the Committee that a study was conducted, for the Epsom Town Centre Masterplan, which looked at the utilisation of 9 Car Parks in the Town Centre over three core days. All Vehicles coming in and out were looked at and the peak utilisation of the Car Parks was 58%. The Planning Policy Manager acknowledged that some Car Parks are busier than others and highlighted a significant surplus capacity at Hook Road Car Park at all times. Therefore, as part of the Local Plan, Hook Road is being considered as a site for development. The Planning Policy Manager explained that additional provision could be provided by a decked Car Park on the Upper High Street Car Park site.
- t) **Educational Establishments.** A Member of the Committee requested that NESCOL was added to the list of educational establishments in the borough, in paragraph 1.35 on page 65. The Planning Policy Manager confirmed that it would be added.
- u) **Affordable Housing.** A Member of the Committee asked what percentage of housing built over the Local Plan period, will be socially rented. The Planning Policy Manager stated that that it would hard to estimate, as it is dependent on how schemes come forward. The Planning Policy Manager explained that a broad estimate is that the Plan will deliver approximately 1200 affordable homes. The Planning Policy Manager explained that roughly 35% of the affordable homes built would be social rents. The Member asked if it would be roughly 400 homes. The Planning Policy Manager confirmed that the rough estimate was broadly correct.
- v) **Further protection.** A Member of the Committee requested that additional wording was added to the Local Plan to provide further protection from development for the Downs and Drift Bridge Farm sites. The Planning Policy Manager explained that Greenbelt is already the highest level of protection possible from development in planning terms. The Member confirmed they understood that but highlighted that exceptional circumstances are being cited to put forward the development of Horton Farm, so they wanted the two sites previously mentioned to be afforded further protection from development. The Member suggested that highlighting the distinguishing factors of the sites, would be sufficient. The



Member explained that both sites are neighbouring the town of Banstead and development on those sites would merge Epsom and Banstead. The Planning Policy Manager informed the Committee that there isn't any benefit to adding the additional wording. The Vice-Chair raised that if the inspector wishes to include further greenbelt parcels, they will need to come back to the Chair of LPP and Officers and ask if they would accept those inclusions. The Vice-Chair explained that it could then be set out at that stage, the arguments to say no, and the distinguishing factors. The Planning Policy Manager explained that when consulting on the Local Plan, comments will be received from site promoters, both those with sites in the plan, and those without, who will want to make compelling cases for their sites to be included. The Planning Policy Manager continued to explain that at examination stage, the inspector will consider all of the evidence before them and may wish to recommend a major modification for a site to be included in the Local Plan. The Member asked what the problem would be to include the extra words in the Plan. The Head of Place development informed the Committee that the Council would be arguing against any sites that haven't been put forward in the Plan equally, so do not want to single out sites for extra protection.

- w) **Additional sites.** A Member of the Committee asked if the Planning Policy Manager had said that the inspector might include more parcels of land in the Local Plan. The Planning Policy Manager explained that, through the examination process, the inspector may recommend the inclusion of additional sites, or publicly say the Plan is unsound as written and putting more sites in would make it sound. The Planning Policy Manager explained they were highlighting a potential risk.
- x) **Protecting Greenbelt sites.** A Member of the Committee asked if they proposed a motion to protect all Greenbelt sites, would other Members support it. The Member pleaded with the Committee to support the motion. A Member responded to explain that they do not wish to build on the Greenbelt but are acutely aware that the current housing numbers in the plan are not even close to what the Council is being asked to achieve, meaning any reduction in numbers will make the plan more unsound and less stable. The Member highlighted that taking Horton farm out is too big a risk and the Plan will likely be found unsound and leave all Greenbelt more vulnerable as a result. The Member explained that the inspector will then have free rein across all Greenbelt sites to ask they are included in the Plan.
- y) **Timetable.** A Member of the Committee asked for clarity on what to expect post consultation. The Member suggested a special LPP Committee Meeting following the end of the public consultation to establish a realistic timeline for the Local Plan to be submitted. The Member highlighted that they were conscious that residents would like the Plan to be submitted as soon as possible. The Planning Policy Manager explained that the Local Development scheme was adopted by LPP Committee in November 2023, and it clearly sets out that the Council are

looking to undertake the Regulation 19 consultation in January 2025, and then submit late May 2025. The Planning Policy Manager explained that this is generally how long it takes following the close of a consultation to process all the representations and get ready to submit. The Member asked if the timeline could be fast tracked in response to proposed changes by Central Government to the NPPF. The Chair informed the Committee that there is LPP Committee Meeting on January 23<sup>rd</sup>, 2025. The Planning Policy Manager pointed out that this will be during the consultation period. The Member asked if Full Council could be held sooner than the 10<sup>th</sup> of December and the public consultation could begin immediately following Full Council. The Chair stated that it can be decided in the future if additional Committee meetings are needed, once it is known how many responses have been received during the public consultation. The Head of Legal and Monitoring Officer informed the Committee that there is a legal requirement for the Local Development Scheme timetable to be published and any updates and changes to also be published. The Head of Legal and Monitoring Officer advised caution with changing the dates set out in the LDS since Officers who produced the LDS have given their reasons as to why the current timescales are the most expedient. Another Member highlighted that an Extraordinary Council Meeting was requested and rejected by the Mayor.

- z) **Timings.** A Member of the Committee asked if the LDS timetable could be amended by a delegated decision by the Chair of LPP and the Director of Environment, Housing & Regeneration, if there was a clear benefit to the Council in doing so. The Head of Legal and Monitoring Officer informed the Committee that it could be proposed if Members were minded, to nominate and authorise the Head of Place development to do so in consultation with the Chair. The Head of Legal and Monitoring Officer reminded members that Full Council could make changes to the LDS at that point, if necessary.
- aa) **Sport pitches.** A Member of the Committee said that the Liberal Democrats group had to balance the development on Hook Road Arena, with the need for sports facilities and pitches in the borough. The Member highlighted that they thought the enabling developments was too big or shouldn't be there at all. Another Member stated that Sport Pitches could be built on Hook Road Arena without the housing development. Another Member highlighted the importance of listening to the voice of the youth of Epsom and Ewell and explained that sport pitches are desperately needed, and Hook Road Arena is a prime location for that. The Member highlighted that the housing development project would enable the sports facilities to be built. The Member explained that this would help young people have something to positively engage with and would help reduce antisocial behaviour in the borough.
- bb) **Greenbelt Motion.** A Member of the Committee stated that removing Greenbelt from the Local Plan would protect all Greenbelt sites, not just the three sites included in the Local Plan. The Member stated that if the

Greenbelt sites are left in, the Plan could still be found unsound. Another Member stated that the risk is too great if the three Greenbelt sites are removed, and that the Plan will not be found sound, and it will cost the Council more money and time to restart the process.

- Councillor Geleit proposed the removal of sites SA33, SA34, and SA35 from the Proposed Submission Local Plan (2022-2040).

The proposal was seconded by Councillor Persand.

The Committee voted (2 for, 7 against, and 1 abstaining) against the motion.

- Councillor Goldman proposed an addition to the Proposed Submission Local Plan (2022-2040), which would state;

*'To strongly resist the development of Downs Farm and Drift Bridge Farm to preserve the Greenbelt boundaries and its five purposes. Any development of these sites would fundamentally change the purpose of the Greenbelt boundary in that part of the borough and should be aggressively resisted.'*

Councillor Goldman clarified that additional protection for both sites is needed due to the sites' proximity to the town of Banstead and in an effort to prevent neighbouring towns from merging.

The proposal was seconded by Councillor Leach.

Following discussion, the motion was withdrawn.

- Councillor Persand proposed the removal of site SA35 from the Proposed Submission Local Plan (2022-2040).

The proposal was seconded by Councillor Morris.

The Committee voted (2 for\*, 7 against, and 1 abstaining) against the motion.

*\*Councillor Persand voted for the motion.*

Following consideration, the Committee resolved;

(8 for, 2 against) to:

- (1) Recommend to Full Council that the Proposed Submission Local Plan be endorsed as being sound.**

(8 for, 2 against) to:

- (2) **Recommend to Full Council the public consultation on the Proposed Submission Local Plan commences as soon as is practicably possible for a period of 6 weeks, dates to be agreed with the Chair of Licensing and Planning Policy Committee.**

(8 for, 1 against, and 1 abstaining) to:

- (3) **Recommend to Full Council that following the six week consultation, as soon as is practicably possible, the Proposed Submission Local Plan 2022-2040 and all associated documents, together with a Statement including how the responses from previous consultations have been taken into account and a summary of the main issues raised in the publication stage responses, be submitted to the Secretary of State for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.**

(8 for, 1 against, and 1 abstaining) to:

- (4) **Nominate and Authorise the Head of Place Development in consultation with the Chair of Licensing and Planning Policy Committee, once the Local Plan 2022- 2040 has been submitted for examination, to invite the examining Inspector(s) to recommend any modifications they consider to be necessary in accordance with section 20(7C) of the Planning and Compulsory Purchase Act 2004.**

(9 for, 1 against):

- (5) **Nominate and Authorise the Head of Place Development in consultation with the Chair of Licensing and Planning Policy Committee, to propose changes and corrections to the Local Plan (2022-2040) and supporting documents, including policy updates, editorial, typographical and grammatical errors, during and following the publicity period, plan submission and during examination.**

Unanimously to:

- (6) **Nominate and authorise the Head of Place Development in consultation with the Chair of Licencing and Planning Policy Committee to make changes and corrections further to any typographical and grammatical errors to the Local Plan prior to Regulation 19 public consultation commencing.**

*The meeting began at 7.30 pm and ended at 9.58 pm*

COUNCILLOR PETER O'DONOVAN (CHAIR)