

# Public Document Pack

Simon Young, Solicitor  
Head of Legal and Democratic Services



## PLANNING COMMITTEE

Wednesday 12 April 2017 at 7.30 pm

Council Chamber - Epsom Town Hall

### PART ONE (OPEN TO THE PRESS AND PUBLIC)

The Agenda items below that attract public speakers will be taken first – the resulting order of the Agenda will be disclosed by the Chairman at the start of the meeting.

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds (Chairman)  
Councillor Mike Teasdale (Vice-Chairman)  
Councillor Michael Arthur  
Councillor John Beckett  
Councillor Neil Dallen  
Councillor Jan Mason  
Councillor Tina Mountain

Councillor Peter O'Donovan  
Councillor Martin Olney  
Councillor David Reeve  
Councillor Vince Romagnuolo  
Councillor Clive Smitheram  
Councillor David Wood

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Young'.

Head of Legal and Democratic Services

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

## AGENDA

### 1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

**2. MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 16 March 2017 (attached) and authorise the Chairman to sign them.

**3. PLANNING APPLICATION 16/01674/REM - LAND AT MILL ROAD, EPSOM KT17 4AR** (Pages 11 - 22)

Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 students and/or other persons, as Houses of Multiple Occupation (HMOs) (Description amended 29.03.2017)

**4. PLANNING APPLICATION 16/01303/FUL - LAND OPPOSITE PRIAM LODGE, BURGH HEATH ROAD, EPSOM KT17 4LU** (Pages 23 - 34)

Proposed vehicular access and field gate (Amended drawings received 28.02.2017)

**5. SITE VISITS** (Pages 35 - 36)

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

**Minutes of the Meeting of the PLANNING COMMITTEE held on 16 March 2017**

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**PRESENT -**

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

Absent: Councillor Neil Dallen and Councillor Tina Mountain

Officers present: Danny Surowiak (Principal Solicitor), Adele Castle (Planning Development Manager), John Robinson (Planning Officer), James Udall (Planning Officer) and Sandra Dessent (Democratic Services Officer)

**56 DECLARATIONS OF INTEREST**

No declarations of interest were made by Councillors in items on this Agenda.

**57 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting of the Planning Committee held on 16 February 2017 were agreed as a true record and signed by the Chairman.

**58 PLANNING APPLICATION 16/01401/FUL - THE ROVERIES, COX LANE, WEST EWELL KT19 9NR**

***Description***

Demolition of derelict detached house and erection of a block of eight flats with seven parking spaces.

***Decision***

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

**Conditions:**

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

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

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

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

- (3) 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 2015.

- (4) Prior to the commencement of any development works, including ground preparation and demolition, the tree protection measures as set out in the Tree Protection Plan dated 7 September June 2015 produced by Andrew Day Arboricultural Consultancy Ltd shall be implemented/erected and shall remain in place for the duration of the construction works. The protection barriers shall only be removed on the completion of all construction activity and with the written agreement of the local planning authority. All works shall be carried out in strict accordance with the approved details.

**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 Document 2015

- (5) 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 7 cars and a minimum of 10 bicycles 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

- (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)
- (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

- (7) Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- (8) 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.

- (9) No development shall take place until details and location of the installation of bat and bird boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

**Reason:** To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

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

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

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

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

- (12) 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

- (13) 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.

- (14) No development shall take place until full details, of the proposed "green wall", including a schedule of maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved "green wall" (including planting) 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 "green wall" 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

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

A03 Site Plan

A04 Ground floor plan

A05/A First Floor

A06 East Elevation

A07 South Elevation

A08 West Elevation

A09 North Elevation

Roof Plan

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

- (16) The proposed photo-voltaic panels shall be installed flush or integral with the roof of the development hereby permitted.

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

**Informatives:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012
- (2) The property is situated close to a former saw mill. In the event that contamination is found at any time when carrying out the approved

development, works should be suspended and it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and remediation carried out as is necessary, subject to the approval in writing of the Local Planning Authority.

- (3) No burning of materials obtained by site clearance shall be carried out on the application site.
- (4) The water efficiency standard required under condition 8 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.
- (5) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

- (6) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.



You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online

<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (7) You are advised that works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

- 59 PLANNING APPLICATION 16/01688/REM - HORTON PARK GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM KT19 8QG

***Description***

Variation of Condition 2 (Plans) of 16/00749/FUL (Driving bay extension and new conservatory to club house) to undertake minor amendments to driving bay and conservatory.

***Decision***

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

**Conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the original permission granted 12 October 2016.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 16042/100A, 16042/101A, 16042/103A, 16042/105A, 16042/106A.

**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 shown on drawings 16042/103A and 16042/105A.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with

**Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

**Informative:**

- (1) **The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.**

**60 SITE VISITS**

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

- 65 London Road, Ewell KT17 2BL – 16/00933/FUL
- 18a Worple Road, Epsom, KT18 5EF – 16/01421/FLH

*The meeting began at 7.30 pm and ended at 8.15 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

### Land at Mill Road Epsom Surrey

Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs) (Description amended 29.03.2017)

<b>Ward:</b>	<b>College</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

#### **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLDAZMGYFWO00>

#### **2 Summary**

- 2.1 The application seeks the variation of Condition 11 of the extant planning permission 14/01784/FUL to allow the occupation of units by students and/or other persons, as Houses of Multiple Occupation (HMOs).
- 2.2 This application has been submitted to committee at the request of Cllr Michael Arthur.

#### **2.3 The application is recommended for REFUSAL**

#### **3 Site description**

- 3.1 The application site comprises an area of land forming a long and narrow strip, north west of Mill Road and south east of the railway embankment, which drops down to the actual railway line. It has a total length of just less than 300 metres and is approximately 0.4 hectares in area
- 3.2 Members may recall that planning permission (14/01784/FUL) was granted in November 2015 for student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping.

#### **4 Proposal**

- 4.1 The application seeks the variation of Condition 11 (Use restriction) :
  - *The development shall be used for residential student accommodation only and for no other purpose. Reason: To ensure a satisfactory form of*

*use of the premises as required by Policy CS5 of the Core Strategy (2007)*

- of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs) . The units would be accommodated in Blocks A1, B6, B8, B9, D5, and D7 of the extant scheme.

4.2 In support of the application, the applicants submit the following:

- “It was the applicant’s intention and expectation that students who attended the University of Creative Arts (‘UCA’), which has a campus in Epsom, would be the only persons who would occupy the units. Prior to the application being made and for some time afterwards, the applicant was in advanced talks with UCA to enter into a formal nomination agreement/lease agreement with them which would guarantee occupation of the units by UCA students. UCA is no longer willing to commit to a formal agreement to take all or any of the units, (preferring instead only to ‘signpost’ students towards the accommodation) as a result of which funders for the building project are unwilling to lend funding for the construction of the project, so that the construction of this much needed accommodation is now uncertain.

4.3 As a result, and in order to secure funding to build the units, the applicant wishes to amend the wording of Condition 11 of the planning permission so that the units can lawfully be occupied by students and/or other persons, as Houses of Multiple Occupation (‘HMOs’). Amending condition 11 to allow the development to be occupied as HMOs as well as student accommodation will reduce the likelihood of any of the units being empty, and will therefore make the project attractive to funders”.

## **5 Comments from third parties**

5.1 The application was advertised by means of letters of notification to 91 neighbouring properties, and site notice. To date (28.03.2017) 54 letters of objection have been received regarding:

- Out of keeping.
- Noise and disruption
- Traffic congestion
- Parking provision
- Overbearing, overlooking, loss of light
- Contrary to Local Plan policies
- Lack of need for HMO’s

- The area is largely family based residential occupation which is likely to be adversely impacted by the range of residents who make use of multiple occupation properties with very different lifestyle considerations, usually increasing noise and disruption at antisocial hours which would conflict with those of young and older families living in the area.
- There is almost no parking attached to these dwellings and the area will not support any more on street parking, nor deal with the loss of it which will be created by removing available highway on which to park. The residents of Bridge Road and Mill Road already struggle with all-day commuter parking and whilst many have off street availability, opportunity for visitors to park or for those with more than one vehicle are already severely limited.
- Unacceptable increase in the number of car journeys.

Association of Ewell Downs Residents: The area is exclusively family homes and already densely populated. HMOs are completely out of keeping with the area and given the intense pressure on parking and vehicle congestion HMO dwellings are totally inappropriate and unmanageable.

## **6 Consultations**

- 6.1 County Highway Authority: No objections. Conditions to be imposed on any permission granted.
- 6.2 Tree Officer: No objection

## **7 Relevant planning history**

- 7.1 12/00448/FUL: Residential development of 10 No. dwellings: REFUSED. Granted on appeal October 2013
- 7.2 14/01784/FUL: Proposed student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping: GRANTED
- 7.3 15/00553/OUT: Outline planning application for proposed student accommodation with all matters reserved: REFUSED
- 7.4 16/00752/REM: Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs).(Amended layout received 24.10.2016 and description amended 26.10.2016): REFUSED

## **8 Planning Policy**

### Core Strategy 2007

Policy CS1	General Policy
Policy CS5	Built Environment
Policy CS7	Housing Provision

Policy CS8	Housing Location
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM21	Meeting Local Housing Need
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for new development
Policy DM37	Parking Standards

Supplementary Planning Guidance

Parking Standards for Residential Development 2015

**9 Planning considerations**

Previous Application

9.1 A previous application (16/00752/REM) seeking the variation of Condition 11 was refused permission under delegated authority in November 2016 on the following grounds:

- In the absence of clear and robust evidence demonstrating that there is a need for the new accommodation the application would be contrary to Policy DM21 of the Development Management Policies Document -2015
- The increase in parking spaces would lead to an unacceptable erosion of the landscaping treatment at the front of the site, as well as the gap between the buildings. The resultant disproportionate ratio of hard to soft landscaping, would have a harmful impact on the streetscene, and the character and appearance of the wider area, contrary to Policy DM9 and DM10 of the Development Management Policies Document- 2015
- The proposed HMO use would result in a higher level of demand than that generated by student accommodation. In the absence of a Traffic Impact Assessment, the proposed parking is considered to be insufficient which would result in additional on-street parking pressures within Mill Road, to the detriment of traffic and pedestrian safety. The proposed scheme would therefore be contrary to Policy DM35 and DM37 of the Development Management Policies Document - 2015

9.2 This application seeks to address the previous reasons for refusal in the following ways:

- The applicant has submitted additional evidence to demonstrate the need for HMO style accommodation in the area.
- The parking provision has been reduced from the 25 spaces proposed in the previous application to 16.

- The current application is supported by a Transport Impact Assessment (TIA).

Need for HMO Accommodation

- 9.3 Policy DM21 of the Development Management Policies Document 2015 states that the Council will grant planning permission for specialist forms of residential accommodation subject to the following requirements being met:
- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; and
  - The delivery of the new accommodation does not result in an over-provision of that particular type of accommodation; and
  - The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses in the event that the need for the permitted use declines.
- 9.4 With regard to criterion 3, it is considered that the proposed layout would comply with Policy DM21 in that the design would be sufficiently flexible to readily accommodate conversion to other appropriate uses in the event that the need for HMO/ student use declines.
- 9.5 The applicants submit that since the refusal of the previous application, they have undertaken extensive research into the level of need for HMO style accommodation in the area. They undertook desk based research using online data as well as field research. They conclude that “conversations with local estate agents and employers has confirmed that there is a shortage of quality, affordable rental accommodation in Epsom, and that HMO accommodation of the kind proposed would undoubtedly help to fulfil the Government’s intentions to provide renters with better value and more choice”.
- 9.6 The Council’s Strategic Housing Market Assessment (SHMA) 2016 demonstrates that there is an overwhelming demand for market housing (C3 accommodation). This is followed by an acute need for affordable housing (social rented accommodation). It is considered that HMOs are a separate area of need to which the need for in this location and across the borough as a whole would need to be quantified. Whilst it is reasonable to assume that there is a ‘demand’ for HMO-type accommodation, this proposal would result in a rapid and significant increase in provision on what is effectively a single site. The applicant has not set out the market signals to justify why a HMO use should be considered ahead of market housing, where the need is most acute.
- 9.7 Officers are of the opinion that the information supplied in relation to current supply and demand of HMO type accommodation within Epsom appears to be primarily anecdotal. The level of need for HMO type accommodation within the borough has not been quantified, and furthermore, the proposed quantum of provision at the application site has not been justified.

- 9.8 It is therefore concluded that provision of this accommodation, at this concentration, in this location, appears to continue to conflict with the Objective Assessed Housing Need identified within the joint SHMA published 2016, contrary to Policy DM21.

Layout

- 9.9 A revised layout plan has been submitted which indicates the provision of an additional 4 parking spaces to an agreed layout of 12 spaces. There are a number of protected trees within the site and the extant scheme was designed around the trees (which are to be retained.). The location of the parking spaces for the extant scheme was carefully considered by officers, as was the provision of landscaping to provide screening to the parking bays as well as the amount and location of new buildings within the overall site.
- 9.10 The extant buildings would not appear cramped as there would be significant gaps between them which would result in an acceptable overall setting in design terms. The proposed increase in parking spaces would not lead to an unacceptable erosion of the landscaping treatment at the front of the site, or the gap between the buildings.
- 9.11 The ratio of hard to soft landscaping would not be significantly changed and therefore the impact on the street scene, and the character and appearance of the wider area would not be material, and would comply with Policy DM9 and DM10.

Parking and Access

- 9.12 The extant scheme (14/01784/FUL) provides 12 spaces for 77 student bed spaces. It was accepted that student accommodation does not generate the amount of parking demand that residential dwellings do. The applicant previously demonstrated how parking would be managed on site and this is secured by an appropriate planning condition. The previously refused scheme (16/00752/REM) proposed an additional 13 spaces (in total 25) to accommodate the 49 HMO bed spaces. It was considered that HMO accommodation would result in a higher level of demand than that generated by student accommodation and accordingly the proposed parking of this previous scheme was considered to be insufficient.
- 9.13 The application is supported by a Transport Impact Assessment (TIA).The Highways Officer has scrutinised the Assessment and commented as follows:



- 9.14 The number of trips generated by the change from student accommodation to HMO is small, in the order of 15 movements in total in the peak hour. This is an edge of town centre location with good public transport links within easy walking distance of the main shopping areas of Epsom. This is highlighted by the amount of commuter parking, referred to in many objections, which takes place in Mill Road during the day. The parking provided on site for the houses does seem quite low but there is no specific parking standard for this type of housing and the location of the site is in close proximity to all the town centre amenities. On street parking in this area is available although, according to the many objectors, it is currently used by commuters and any overspill from the development is most likely to displace this commuter parking. For this reason I have conditioned the parking areas, as on street parking is more of an amenity issue than a safety issue as it is already taking place in this one way street.
- 9.15 Notwithstanding the highways comments, which in essence raise no objection to the impact of the scheme on the wider highway network, The Parking Standards Evidence Paper supporting the Council's Parking Standards for Residential Development SPD provides clear evidence of local parking issues.
- 9.16 The site survey evidence which was used to support The Parking Standards Evidence Paper and consequently the parking standards which we currently use was conducted in accordance with the guidelines developed by London Borough of Lambeth. The guidelines are an industry standard approach and provide an established and robust methodology that has been used by other local planning authorities. This methodology involves calculating the level of additional on-street parking that a new development might generate, otherwise known as parking stress. High levels of parking stress can affect highway safety, traffic flow, local amenity, access by emergency and refuse collection services and the delivery of goods. By assessing the current level of parking stress in key locations around the borough, it is possible to establish the appropriate level of off-street parking that will be required from new development. This helps to ensure parking stress is not exacerbated to unacceptable levels.
- 9.17 The parking surveys showed that on-street parking stress varies widely across the borough; however in general terms the level of stress was highest at sites immediately surrounding the town centre and lower in other areas. The data collected for Mill Road (by itself) indicates that on the night of the survey there were about 26 spaces available along the entire length of Mill Road. This gave an unrestricted parking stress rating of 46%, which suggests that there was potential on-street capacity (about +20 spaces) at this location. Given that the proposal seeks 49 HMO units, equating to 49 potential separate households and only provides 16 off-street spaces, which suggests a deficit in provision of +10 spaces, which one can reasonably assume will be dispersed elsewhere. If the current proposal were to be implemented, the expected overspill of parking from the development would saturate the surrounding area, thereby leaving no on-street parking capacity for further developments in the future.

- 9.18 Officers consider that 49 vehicles is a possible minimum based on each household owning a car and it is possible that not every household will own a car, but equally it is possible that they will. It is therefore conceivable that in some cases two person households (they do live in HMOs) may own two vehicles. Consequently, it is not unreasonable, given that the applicants have not robustly demonstrated to the contrary, to assume potentially more harmful scenarios based upon such a high concentration of HMOs.
- 9.19 The current scheme proposes a reduced total of 16 on-site parking spaces inclusive of 2 disabled spaces and 2 visitor's spaces. The submitted TIA has concluded that whilst the increase in traffic movements envisaged with the proposed student/HMO appears large, the figures remain acceptable, as movements associated with the student only use were extremely low such that an increase of this level, whilst minor in reality, appears disproportionate.
- 9.20 It is acknowledged that the student accommodation would provide a low baseline (hence the provision considered acceptable in the extant scheme). Notwithstanding this, the increase would need to be proportionally reflected in the on-site parking provision. In light of this, officers are of the view that the proposed reduced provision would fail to provide sufficient on-site parking and would result in additional on-street parking pressures within Mill Road, to the detriment of traffic and pedestrian safety.
- 9.21 The applicants submit that occupants of HMOs tend to earn modest incomes, and therefore their propensity for car ownership is reduced. This statement is supported by reference to three recent Appeal decisions. The included appeal cases (Swansea, Oxford & Marston Green), are in officer opinion, not comparable. Firstly, these are individual conversions not purpose-built accommodation and the resultant provision of bedrooms was significantly lower. Notwithstanding this, each of the appeal cases did provide on-site parking provision (proportionally higher than that proposed in this application). Furthermore, the local context in relation to parking stress and provision is different to that in Epsom.
- 9.22 The applicant remains of the view that it is open to the Council to attach the following condition to the permission which is produced under the s73 application:
- "no vehicles which are under the control of the occupants of any of the units shall be parked on any highways within a 1km radius of the development whilst the occupants reside at the units".
- 9.23 Furthermore they suggest that a clause can be included in the lease entered into by occupants of the Units to reflect this and to ensure that the condition is adhered to.
- 9.24 Officers however remain unconvinced that such a planning condition would be an acceptable way forward for Epsom and Ewell both in workable enforcement terms and its use as a suitable mechanism to successfully address the potential significant car parking impact from this type of accommodation.

9.25 It is therefore concluded that the proposal would be contrary to Policy DM35 and DM37.

## **10 Conclusion**

10.1 It is considered that the proposed amendment to the condition is unacceptable and it is therefore recommended that this application be REFUSED.

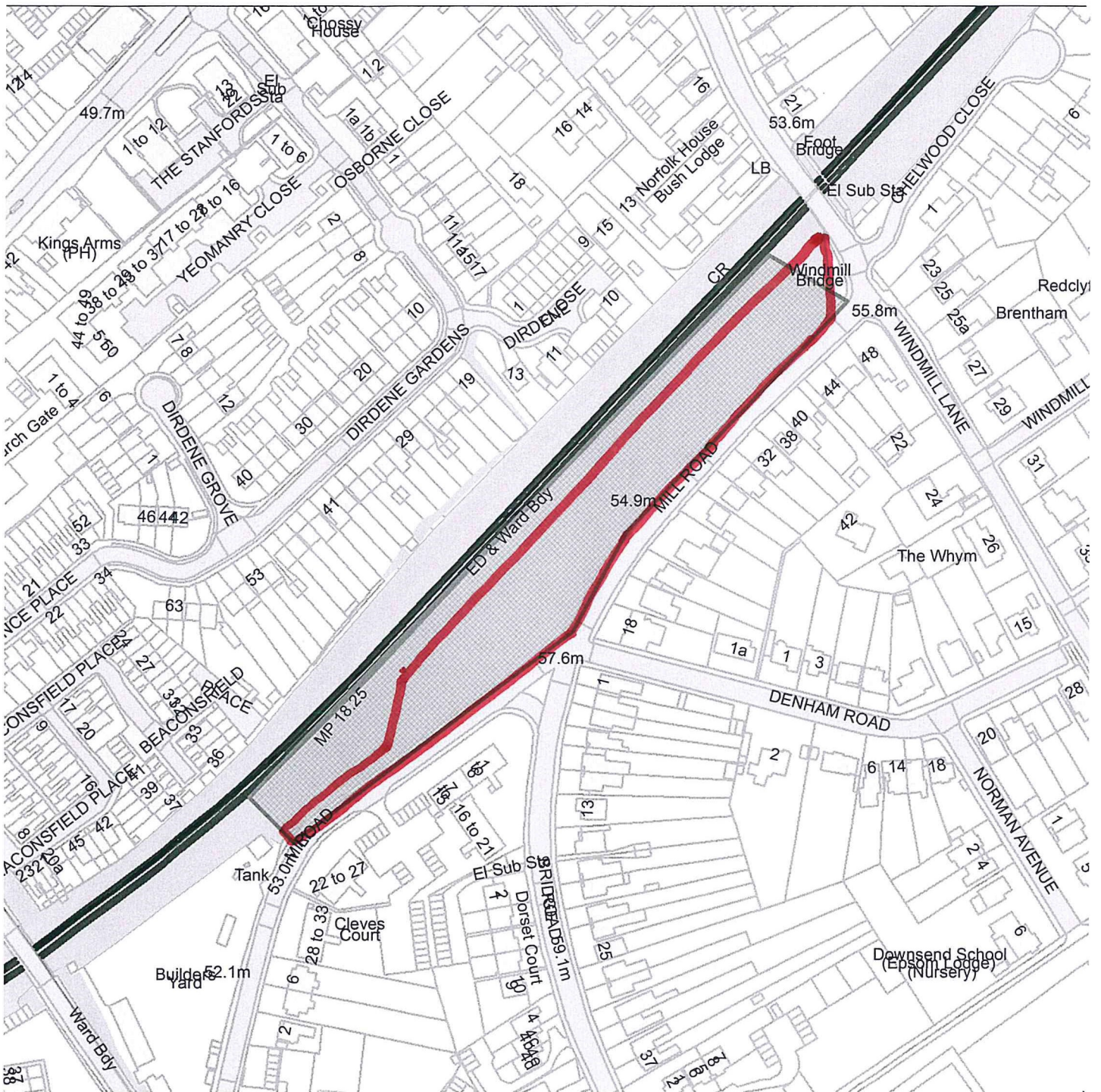
## **11 Recommendation**

11.1 Planning permission is refused on the following grounds:

- (1) In the absence of clear and robust evidence demonstrating that there is a need for the new accommodation the application would be contrary to Policy DM21 of the Development Management Policies Document - 2015**
  
- (2) The proposed HMO use would result in a higher level of demand than that generated by student accommodation. The proposed parking is considered to be insufficient which would result in additional on-street parking pressures within Mill Road, to the detriment of the availability of on-street parking The proposed scheme would therefore be contrary to Policy DM37 of the Development Management Policies Document - 2015**

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Date	30 March 2017
Comments	

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**Land Opposite Priam Lodge, Burgh Heath Road, Epsom, Surrey, KT17 4LU**

Proposed vehicular access and field gate (Amended drawings received 28.02.2017)

<b>Ward:</b>	<b>College</b>
<b>Contact Officer:</b>	<b>James Udall</b>

**1 Plans and Representations**

1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OH8OX7GYMX500>

1.2 This application proposes the creation of a new vehicular access onto Burgh Heath Road.

1.3 This application has been submitted to committee at the request of Councillor Tina Mountain.

**1.4 The application is recommended for APPROVAL.**

**2 Site description**

2.1 The application site, which has an area of 1.5h, is located on the western side of Burgh Heath Road, opposite Priam Lodge. Land levels rise slightly to the south. The application site is defined by dense hedges along the highway boundary. The application site is within the Green Belt.

2.2 South Hatch Farm lies to the south of the application site and comprises a two storey detached dwelling and a number of agricultural buildings and stables. To the north of the application site lies Beech Road. The properties along Beech Road are generally two storey terraced properties. Priam Lodge is sited directly opposite the application site.

**3 Proposal**

3.1 This application seeks permission for the creation of a new vehicular access onto Burgh Heath Road. The proposal would include the replacement of part of the existing hedge and the creation of a dropped kerb.

3.2 Further information was requested about the proposed use of the field, which the access would serve and a detailed list of expected annual vehicular movements has been provided below:

Activity	Vehicles/machinery	Frequency per year	Movements per year
Fertilising	Small tractor and fertiliser spinner spreading NPK	1	2
Spraying	Quad Bike with 4 metre boom Spraying to control weeds	1	2
Mowing	Small Tractor and mower. To cut down grass and leave to dry	1	2
Hay Turning	Turn Hay to dry normally done twice using small tractor and hay tedder	2	4
Baling	Tractor and conventional baler. To make small bales Yield approx. 5.8 tonnes/ha. Therefore 8.7 tonnes total. Producing approx. 350 bales @ 40 bales/tonne	1	2
Hauling away	4 x 4 vehicle with trailer moving approx. 40 small bales/trip. Remainder of bales stored on site under tarpaulin.	9	18
		<b>TOTAL</b>	<b>30</b>

3.3 Officers requested amended drawings reducing the width of the access to 3.5m to limit the impact of the proposal on the character and appearance of the area. The amended drawings were received on 28 February 2017.

#### **4 Comments from third parties**

4.1 The application was advertised by means of letters of notification to 16 neighbouring properties, to date (30.03.2017) 27 letters of objection have been received regarding:

- Impact on the character of the area and the Green Belt.
- The access is not needed and would be the first stage of getting housing built on the field.
- Impact on outlook, traffic/parking, highway safety, wildlife/ecology and generation of noise and disruption.
- If South Hatch Stables gets its planning application approved, what impact will this have on this plot of land, would this status of this land change from green to brown belt with the possibility of future planning applications?

#### **5 Consultations**

5.1 County Highway Authority: No objections. Conditions relating to provision of sightlines, etc. to be imposed on any permission granted. Conditions 7 and 8 are relevant.



- 5.2 Tree Officer: "The proposal involves the removal of approximately a 35m linear section of hedgerow adjoining Burgh Heath Road to enable construction of the vehicular access and provide traffic sight lines. Within this section of hedge there are some small free standing holly trees and a Sycamore. It is proposed to plant a new mixed species hedge on the inside back from the sight lines and up to the galvanised field gate.
- 5.3 Although the hedge is over 30 years old I do not consider that the hedgerow is important as defined in the Hedgerows Regulations 1997. The hedgerow is not ancient. I have seen aerial photographs of the site from 1921 and 1946 where the hedge appears absent. I think it is very unlikely that the hedge delineates an old estate boundary, archaeological site, historic parish boundary or old field system but I am not qualified to comment on this aspect. The hedge does not appear to be species rich, at least in terms of woody species. From my inspection I could only identify 3 woody species growing within it - Hawthorn, Crataegus monogyna, Sycamore Acer pseudoplatanus and Holly ilex aquifolium. The hedge is fairly smothered in Ivy and has recently been flailed. Further advice on the ecology of the Hedge should be obtained from the Ecology Officer.
- 5.4 Removal of a 35m section of the hedge will have an adverse impact on the visual amenity of the street scene. It would be more preferable if only a small section of hedge could be removed or no hedge removed and the existing access shared.
- 5.5 The replacement hedge should be a native mix of species but these tend to be fairly slow growing so the site is likely to look open for several years until this becomes established.
- 5.6 Should the proposal be recommended for approval, I would recommend that there is a landscaping condition that requires approval of the hedge plant species, size, protection and aftercare. I would also like to see some native trees such as small leaf Lime Tilia cordata planted as a linear feature back from the hedgerow towards the field margin. These too will require protection from maintenance machinery and browsing".
- 5.7 Ecology Officer: No in principle objection. The only concern would be that the development might affect breeding birds during the breeding season. It is recommended that a condition be imposed on any grant of planning permission and this is attached as condition 4.

## 6 Relevant planning history

Application number	Decision date	Application detail	Decision
N/A	N/A	N/A	N/A

## 7 Planning Policy

### National Policy Planning Framework (NPPF) 2012

#### Chapter 7: Requiring Good Design

#### Core Strategy 2007

Policy CS1	General Policy
Policy CS2	Green Belt
Policy CS3	Biodiversity and Nature Conservation
Policy CS5	Built Environment
Policy CS6	Sustainable Development
Policy CS16	Highways

#### Development Management Policies Document 2015

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM 20	Environmentally Sustainable Development Standards/
Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM35	Transport and New Development

#### Supplementary Planning Guidance

#### Sustainable Design 2016

## 8 Planning considerations

### Principle of Development

9.1 The application site lies within the Green Belt. Policy CS2 states “To ensure the Green Belt continues to serve its key functions, its existing general extent will be maintained and, within its boundaries, strict control will continue to be exercised over inappropriate development as defined by Government policy”.

8.2 Paragraphs 79-92 of the National Planning Policy Framework sets out that Green Belt land should be protected from inappropriate development and sets out the following:

- ‘The fundamental aim of Green Belt policy is to keep land permanently open.
- Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such to retain and enhance landscapes, visual amenity or biodiversity.

- 8.3 Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Furthermore when considering any planning application, LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.4 Paragraph 89 states that LPA's should regard the construction of new buildings as inappropriate development in the Green Belt but lists a number of exceptions, which include buildings for agriculture and forestry. The proposal is for minor development related to agricultural use as opposed to a new building and given the minimal level of harm which would result, it is considered appropriate in this instance to consider the proposal as appropriate development in the Green Belt.
- 8.5 The proposal itself would result in a section of hedgerow being replaced with a five-bar galvanised steel field gate - and the laying down of an area of approximately 60m<sup>2</sup> hard standing within a section of field in connection with the agricultural use of the land. The amount of development proposed is of a limited nature and would not have a harmful impact on the openness of the Green Belt as the proposed access would still allow the field to be used for agricultural purposes.
- 8.6 Furthermore the imposition of a suitably worded landscape condition could ensure that additional planting was provided to ensure the continued vitality and appearance of the hedge thus preserving the visual appearance of the area.
- 8.7 Concerns were raised by neighbouring occupants that the proposal could lead to planning permission being granted at the application site for residential dwellings. The current proposal does not include any buildings and officers cannot take into consideration what may, or may not, happen in the future.

#### Visual Impact

- 8.8 The application site consists of a field sited to the south of Beech Road within the Green Belt. A hedge runs along the boundary with Burgh Heath Road and the site has been encased by a wooden fence, which allows views across the field and the large open surrounding area behind the hedge.
- 8.9 The surrounding area is mixed urban/rural in character with the development to the north of the application and fields with some limited development to the south of the application site. The application site is directly opposite dwellings with front driveways with access onto the main road which clearly shows the semi-urban character of the immediate vicinity.
- 8.10 The amended proposal would create a 3.5m vehicular access onto Burgh Heath Road and would result in the removal of approximately 34m of hedge and its replacement with approximately 26m of mixed species hedge planted behind the proposed sight lines.

- 8.11 It is noted that the Tree Officer has raised concerns that the proposal would result in a loss of hedging which could harm the visual appearance of the area. However, the hedge would be replaced with substantial new hedgerows and the resultant gap in the hedgerow would be infilled with a suitably designed access gate and the small amount of hard standing proposed would be adequately screened behind the replacement hedge, ensuring that that the proposal does not significantly harm the visual appearance or character of the area. Condition 3 requires details of a landscaping scheme to be submitted and approved prior to the commencement of the works.
- 8.12 It is concluded that the proposed access would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM9 and DM10.

#### Residential Amenity

- 8.13 The proposed access would be sited approximately 25m from the rear boundary of the properties along Beech Road and 7.5m from the front boundary with Priam Lodge. Due to its siting, size, scale and design the proposed access would not harm the outlook of neighbouring occupants; it would also not harm the daylight or privacy of neighbouring occupants.
- 8.14 The applicant's agent has submitted details of the possible vehicular movements, which might come about due to the use of the site for agriculture. It is anticipated that there would be a frequency of approximately 30 movements per year.
- 8.15 While it is noted that the frequency of movement might change over time, the applicant's agent has confirmed that the applicant has retained the field for agricultural purposes and therefore it is not considered that the proposal would cause significant noise and disturbance to neighbouring occupants.
- 8.16 The proposed scheme would therefore accord with Policy DM10.

#### Parking/Access

- 8.17 The proposed access would have visibility splays of 2.4 metres x 46 metres – south-eastwards and a 2.4 metres x 47 metres – north-westwards. The visibility splays would ensure that the proposal would not be hazardous to highway safety.
- 8.18 The Highway Authority has no objection to the development.

#### Ecology

- 8.19 Policy DM4 of the Development Management Policy Document states that every opportunity should be taken to secure net benefit to the Borough's biodiversity.

- 8.20 The Council's Ecology Officer has assessed the proposal and has not raised any significant objections to the proposal. However, he has noted that the existing hedges could be used by breeding birds in certain months of the year. He has therefore requested the imposition of a condition requiring that there be no removal of hedgerows, trees or shrubs that may be used by breeding birds at certain times of the year.
- 8.21 In view of the above and subsequent to a suitably worded condition, the proposed scheme would be in accordance with Core Strategy Policy CS3 and Policy DM4.

## 9 Conclusion

- 9.1 The proposal seeks to create a vehicular access and a field gate in a location which is considered appropriate. The proposal would include the creation of approximately 60m<sup>2</sup> of hard landscaping at the front of the access. Due to the limited nature of the development the proposal would not harm the wider character of the area, nor lead to a loss of neighbouring residential amenities. In light of the above it is recommended that planning permission is granted.

## 10 Recommendation

- 10.1 Planning permission is granted subject to the following conditions:

### Conditions:

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

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

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

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

- (3) 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 2015.

- (4) No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation must be submitted to, and approved by, the local planning authority.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (5) 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.

- (6) The development hereby permitted shall be carried out in accordance with the following submitted plans and documents:

Location Plan

17/01 REV A

17/02 REV A

17/03 REV A

Design and Access statement received 28.02.2017.

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

- (7) No vehicle shall access the Land opposite Priam Lodge from Burgh Heath Road unless and until the proposed vehicular access hereby approved has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

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

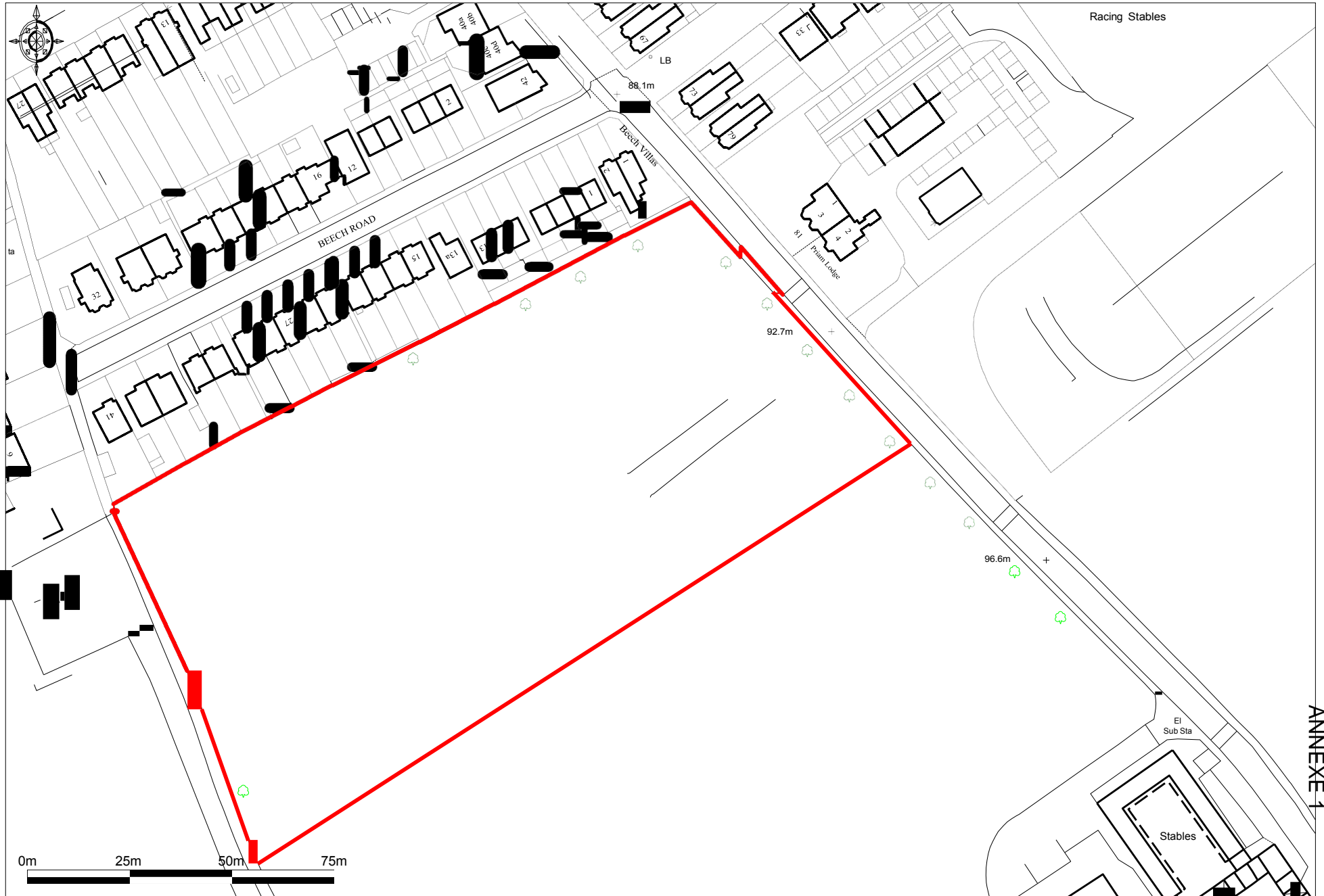
**Reason:** To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

**Informatives:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012
- (2) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.
- (3) You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:
- <https://www.gov.uk/environmental-management/wildlife-habitat-conservation>
- (4) 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.

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LOCATION PLAN

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**SITE VISITS**

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

**REPORT SUMMARY**

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

**RECOMMENDATION:**

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

*Notes*

**1 Implications for Community Strategy and Council's Key Priorities**

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

**2 Details**

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

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

- 65 London Road, Ewell KT17 2BL – 16/00933/FUL
- 18a Worple Road, Epsom, KT18 5EF – 16/01421/FLH

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

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

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

**WARD(S) AFFECTED: ALL**

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