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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 8 November 2018 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 David Reeve (Vice-Chairman)
Councillor Michael Arthur MBE
Councillor John Beckett
Councillor Lucie Dallen
Councillor Jan Mason

Councillor Tina Mountain
Councillor Peter O'Donovan
Councillor Martin Olney
Councillor Vince Romagnuolo
Councillor Clive Smitheram
Councillor Tella Wormington

Yours sincerely

A handwritten signature in black ink, appearing to read "J.C. Beldan".

Chief Executive

For further information, please contact Sandra Dessent, tel: 01372 732121 or email: 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 5 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 4 October 2018 (attached) and authorise the Chairman to sign them.

3. **TREE PRESERVATION ORDER 461 - 70 BRACKEN PATH, EPSOM KT18 7SZ** (Pages 13 - 28)

Objection to the implementation of a Tree Preservation Order on a Norway Spruce at 70 Bracken Path, Epsom - Tree Preservation Order No. 461

4. **PLANNING APPLICATION 18/00481/REM - DEVELOPMENT SITE AT COURT LODGE, COURT LANE, EPSOM KT19 8JP** (Pages 29 - 38)

Variation of Condition) 13 (Approved drawings) of planning permission 15/00492/FUL.

5. **PLANNING APPLICATION 18/00722/LBA - THE CLOCK TOWER, 165-167 HIGH STREET, EPSOM KT19 8EW** (Pages 39 - 50)

Epsom Clock tower brickwork restoration work to include securing loose brick, taking off any loose work and re-bedding incorporating stainless steel reinforcing bars as bed reinforcement where necessary. In addition the works will include the treatment of the asphalt roofing and minor repairs in several locations. Two number of dome windows in total will be replaced, one in each unit.

6. **PLANNING APPLICATION 18/00832/REM - 101-111 HOLLYMOOR LANE, EPSOM KT19 9JZ** (Pages 51 - 64)

Variation of Condition 2 (Approved drawings and documents) and removal of Condition 21 (Affordable Housing) of planning permission 15/01497/FUL

7. PLANNING APPLICATION 18/00645/FUL - THE RAC CLUB, OLD BARN ROAD, EPSOM KT18 5ND (Pages 65 - 88)

Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations.

8. PLANNING APPLICATION 18/00961/S106A - RYEBROOK STUDIOS, WOODCOTE SIDE, EPSOM KT18 7HD (Pages 89 - 96)

Amendment to the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

9. MONTHLY REPORT ON PLANNING APPEAL DECISIONS: 21 SEPTEMBER TO 25 OCTOBER 2018 (Pages 97 - 98)

The planning department has received two appeal decisions from the 21st September to the 25th October 2018.

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Minutes of the Meeting of the PLANNING COMMITTEE held on 4 October 2018

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor David Reeve (Vice-Chairman); Councillors Michael Arthur MBE, John Beckett, Lucie Dallen, Jan Mason, Tina Mountain, Martin Olney, Vince Romagnuolo, Clive Smitheram, Mike Teasdale and Tella Wormington

Absent: Councillor Peter O'Donovan

Officers present: Ruth Ormella (Head of Planning), Martin Holley (Planning Development Manager), John Robinson (Planning Officer), Danny Surowiak (Principal Solicitor), Tom Bagshaw (Planner), Virginia Johnson (Planner) and Sandra Dessent (Democratic Services Officer)

14 COMMITTEE MEMBERSHIP

In accordance with the Local Government and Housing Act 1989 Act and Standing Orders, the Committee was informed that it was the wish of the Resident Association's Group that Councillor Mike Teasdale fill the vacancy on the Committee.

15 DECLARATIONS OF INTEREST

In the interests of openness and transparency the following declarations were made:

Planning Application 18/00626/TPO - 362 Chessington Road, West Ewell, Surrey KT19 9EG

Councillor Clive Smitheram, Other Interest: Applicant is a fellow ward Councillor.

Planning Application 18/00626/TPO - 362 Chessington Road, West Ewell, Surrey KT19 9EG

Councillor Jan Mason, Other Interest: Applicant is a fellow ward Councillor.

16 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 6 September 2018 were agreed as a true record and signed by the Chairman.

17 PLANNING APPLICATION 18/00466/FUL - EPSOM COLLEGE, COLLEGE ROAD, EPSOM KT17 4JQ

Description

Demolition of existing buildings and erection of Sixth Form Centre

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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

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

Proposed Site Plan (drg ref: 00-DR-A-0900);

Proposed Ground Floor (drg ref: 00-DR-A-1021);

Proposed First & Second Floor (drg ref: 00-DR-A-1022);

Proposed Upper Roof Plan (drg ref: 00-DR-A-1004);

Proposed Site Elevation (drg ref: 00-DR-A-1209);

Proposed Section AA (drg ref: 00-DR-A-1300);

Proposed Section BB (drg ref: 00-DR-A-1301);

Proposed Section CC (drg ref: 00-DR-A-1302);

Proposed Section DD (drg ref: 00-DR-A-1303);

Proposed Elevations NW & SE (drg ref: 00-DR-A-1212 S2 P5)

Proposed Elevations NE & SW (drg ref: 00-DR-A-1213 S2 P5);

Landscape Plan (drg ref: 00-DR-L-1901);

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) Prior to the commencement of development, details and samples of the external materials to be used for the development 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: 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.

- (4) **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 and the planting of three trees in front of the building, 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.

- (5) **A report is to be submitted to the Local Planning Authority, within 6 months of the commencement of any use of any part of the building, to demonstrate that the low energy technologies (as detailed in the submitted Sustainability Statement) hereby approved have been fully implemented and are functioning.**

Reason: In order to promote sustainable construction in accordance with Policy CS6 of the Core Strategy 2007.

- (6) **The applicant shall within a period of six months following the felling of the trees, the subject of this application, plant the same number of replacement trees of a species and maturity and in positions approved by the Local Planning Authority. In the event that any of these trees should die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.**

Reason: In the interest of amenity, and in accordance with policy and Policies DM5 and DM9 of the Development Management Policies 2015.

- (7) **No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number Tree Protection Plan Sept 2017 in the Arboricultural Method Statement produced by GHA trees Ref: GHA/DS/13360:17 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

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

- (8) Prior to the first occupation of the new building, swift bricks as well as a minimum of five “Schwegler” bat boxes shall be installed on mature trees around the site boundaries/retained buildings, in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.**

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.

- (9) No development shall commence until a Construction Transport Management Plan, to include details of:**
- a) parking for vehicles of site personnel, operatives and visitors**
 - b) loading and unloading of plant and materials**
 - c) storage of plant and materials**
 - d) programme of works (including measures for traffic management)**
 - e) HGV deliveries and hours of operation (to minimise conflict and impact on pupils)**
 - f) vehicle routing**
 - g) measures to prevent the deposit of materials on the highway**
 - h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused**
 - i) no construction vehicle movements to or from the site shall take place at peak pupil arrival and departure times considered between the hours of 8.00 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any construction vehicles associated with the development at the site to be laid up, waiting, in Longdown Lane South and College Road during these times**
 - j) 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

- (10) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:
- a) The secure and covered storage for parking of bicycles within the development site,
 - b) Facilities within the development site for cyclist to change into and out of cyclist equipment,
 - c) Facilities within the development site for cyclists to store cyclist equipment,

and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable transport in accordance with Policy CS16 of the Core Strategy 2007

- (11) The applicant shall be required to retain novation of the architects (Corde) , as a minimum as executive architects for the approved scheme.

Reason: To maintain architectural quality in accordance with Policy 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 38 of the National Planning Policy Framework 2018.
- (2) The water efficiency standard required under condition 5 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:

using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or

using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.

The Committee noted a verbal representation from the agent of the application. Letters of representation had been published on the Council's website and were available to the public and members of the Committee in advance of the meeting.

- 18 PLANNING APPLICATION 18/00459/FUL - ASHLEY CENTRE CAR PARK, ASHLEY AVENUE, EPSOM KT18 5AL

Description

Proposed installation of perimeter security fencing

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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

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

Drawings S15988-EL (Proposed Elevations, Sheets 1-8 inclusive), Procter Weld Mesh Data Sheet

Securi Mesh 358 Data Sheet

Block Plan

Site Plan and Location Plan

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

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 38 of the National Planning Policy Framework 2018.**

19 PLANNING APPLICATION 18/00626/TPO - 362 CHESSINGTON ROAD, WEST EWELL, SURREY KT19 9EG

Description

Application to carry out tree work on a protected tree – Felling of Oak T26 of Tree Preservation Order No. 317 located in the front garden.

Decision

Felling of Oak T26 was **PERMITTED** subject to the following conditions:

Conditions:

- (1) **All tree works shall be carried out to British Standard 3998 and as specified in the application details.**

Reason: To ensure that the tree receives the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (2) **A replacement tree shall be planted in the front garden within 2m from the Oak to be felled during the dormant period (November-March) before 31/03/2019. The tree shall be 1 metre in height and selected from one of the following species:**

Acer campestre – Field Maple

Carpinus betulus – Hornbeam

Koelreuteria paniculata – Pride of India

Sophora japonica – Pagoda tree

If any tree(s) planted in accordance with this condition are removed, die or in the opinion of the local planning authority become seriously damaged or diseased, within a period of five years after planting, they shall be replaced in the next available planting season with a new tree(s) of the same size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To maintain continuity of the tree resource for amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007)

and Policies DM5 and DM9 of the Development Management Policies 2015.

Informatives:

- (1) The applicant should inform the Council's Tree Officer (Tel. 01372 732000) at least three working days in advance of the intention to commence the works which have been agreed.**
- (2) Please ensure the tree work contractors that work on this tree/s are advised this is an area of Oak Processionary Moth (OPM) activity and therefore they should check the guidance on the Forestry Commission Website www.forestry.gov.uk/opm about the need to report suspected sightings and comply with the good practice guide for handling Oak material in areas affected by OPM.**

Note: In the interests of openness and transparency Councillors Jan Mason and Clive Smitheram did not take part in the debate or vote, as they were fellow ward Councillors of the applicant.

20 MONTHLY REPORT ON PLANNING APPEAL DECISIONS - AUGUST-SEPTEMBER 2018

The appeal decisions from 21 August to 24 September were noted.

The meeting began at 7.30 pm and ended at 8.05 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

70 Bracken Path, Epsom. KT18 7SZ.

Objection to the implementation of a Tree Preservation Order on a Norway Spruce at 70 Bracken Path, Epsom - Tree Preservation Order No. 461

Ward:	Stamford Ward;
Head of Service/Contact:	Ruth Ormella, Head of Planning

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=P6B31ZGYJJ000>

2 Summary

- 2.1 This report is for the Planning Committee to consider whether to confirm Tree Preservation Order (TPO) No. 461 following objections to the order being made by the tree owner and a neighbour.
- 2.2 70 Bracken Path is situated in the Stamford Green Conservation Area. A section 211 notice was made by the tree owner's tree surgeons to fell the Norway Spruce which was received by the Council on 28/03/2018 (application no.17/01886/CAT). This application gave six weeks' notice that it was intended to remove the Spruce. Officers evaluated the proposal and formed the view that the loss of the tree would have a detrimental impact on the landscape amenity of the conservation area. Reasons given to support the felling of the tree did not appear convincing. The tree was assessed to be in good health and of sufficient amenity value to justify the making of the tree preservation order to block the felling proposal. Delegated authority was therefore obtained to make the provisional TPO which was served on 10th May 2018.
- 2.3 The tree owner formally objected to the TPO in a letter received on 22nd May 2018 and the neighbour at 67 Bracken Path formally objected to the TPO in a letter received on 5th June 2018.
- 2.4 Where objections are received to a TPO these are normally reported for consideration by the Planning Committee. A decision is required whether the order should be confirmed, modified or revoked after taking into account the amenity implications and the validity of the objection/s received.

3 Site description

- 3.1 70 Bracken Path contains two bedroom and is the north-west quadrant of a 19th Century terrace of four bungalows arranged back to back. They are set behind a small tree planted amenity green called Goose Green which faces out onto the more open grassland of The Conservation Meadow. The site is within the Stamford Green Conservation area which was designated in June 1982. Stamford Green Conservation area abuts the edge of Epsom Common. There is a picturesque main green area with a pond and a series of interlocking amenity greens through a meandering hamlet of houses to the south. Original house building was haphazard as some buildings evolved from squatter plots. There are notable 19th century cottages many built to house workers of the nearby Epsom Hospital Cluster. More modern building have infilled to complete the current residential area. The setting retains a pleasant rural character. Sylvan character is provided from the scattering of trees in the rough grass amenity greens, the few notable garden trees and the backcloth of woodlands in the main common area.
- 3.2 The building of 70 Bracken path was thought to be a former laundry. To be more precise about its age the property predates the 1867 1st series County map but does not feature in the 1848 Board of Health plan. There is no direct vehicular access to No 70. Pedestrian access from the road is via a footpath which runs on the north side of No.71 round to a courtyard style garden and front door of No.70. The Norway Spruce is located at the side of the footpath to No.70. Although the tree is much closer to No. 71 (approximately 6m to the building corner) it is still within the curtilage of No. 70.
- 3.3 The Norway Spruce tree *Picea abies*, subject of the TPO is estimated to be 15.75m tall and has attained an average spread of 9m. The stem diameter measures 470mm at 1.5m up the trunk. Being located close to the front boundary the tree is visually very prominent in the setting of Goose Green. It can be seen clearly from the road outside. From wider views the tree can also be seen as a notable specimen in the landscape across both the Conservation Meadow and Stamford Green. Being coniferous it stands out even more in the landscape during the dormant period. Visually the tree has good stature and is aesthetically pleasing to the eye.

- 3.4 Spruce trees are a prominent species of the vast boreal forests of the Northern Hemisphere and the Norway Spruce has the broadest range in the genus, although not a native tree in the UK it has been widely cultivated for forestry and horticulture since the 17th Century. With such a vast range comes considerable variation in the trees morphological characteristic. The subject Spruce is estimated to be 45 years old. Generally Spruce is regarded as having a moderate life span in the British Isles with a normal safe life expectancy closer to 150 years. Growth and timber yield of spruce trees has been much studied for commercial forestry. Spruce can attain considerable height and on the right soils height can exceed 30m. Rotational spans for timber production align with the period of maximum growth yield which is usually between 80 and 100 years. After a slow start growth tends to be most rapid from the ages of 20-60 years. In form the spruce tend to grow symmetrical thin crowns and seldom produce branch forks.
- 3.5 Spruce resent chalk soils, they thrive on sandy soils and are tolerant of most other soils including clay. The species can suffer snow break and are not suitable for very exposed locations. Across the northern hemisphere there has been concern about forest decline of spruce forests from abiotic factors.
- 3.6 The Spruce under TPO is a healthy high grade tree. There is no sign of basal decay pathogens or basal instability. The crown is symmetrical and well balance. Needle colour and size is normal. Shoot extension growth appears vigorous and overall the tree is assessed as having good vitality. It was noted that there are signs that the apical extension growth is starting to slow.

4 Proposal

- 4.1 When a tree preservation order is served it takes effect immediately for a provisional period. If the TPO is to remain valid it must be confirmed within expiry of six months from the date the order is made or a new order has to be made. There is an opportunity for those affected by the TPO to raise an objection or make comments. The Committee has agreed that any unchallenged orders are confirmed automatically. Where objections are received these are normally reported for consideration by the Planning Committee and a decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity of the tree and validity of the objections received.
- 4.2 After making this TPO two objection have been received; one of the objections has been from the tree owner and the other from the neighbour at 67 Bracken Path. A further comment was made from the neighbour at 69 but this was neutral – not expressing a preference for or against the TPO. The letters of objections are appended to this report and Members are advised to take account of the points raised.

4.3 In summary the basis of the objection challenges the appropriateness of the tree to be protected; given its perceived size; risk of causing both direct and indirect damage, and risk of collapse.

- The objectors believe the tree is not special nor indigenous to the area.
- They feel the tree is poorly rooted, very dangerous and could fall.
- Concern is expressed about surface roots making the pathway uneven and a hazard to visitors
- A concern is raised about the possibility of damage to buildings and drains from roots.
- Objections is raised to an inconsistency in the Councils approach by allow the felling of a neighbouring tree but not the Spruce.
- The objectors seek confirmation that the Borough Council will accept liability for any damage the tree may cause.

4.4 The tree owner has indicated that they would be prepared to replace the Spruce with a smaller growing tree.

5 Consultation and Comments from third parties

- 5.1 The TPO was served on the owner/occupier of No. 70 Bracken Path and on the neighbouring properties of 71 and 69 Bracken path.
- 5.2 The neighbour at 67 has objected to the TPO on similar grounds to the tree owner.
- 5.3 An objection to the original felling proposal for the tree was received by the Tree Advisory Board but they have not been consulted further about the making of the TPO.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
17/01886/CAT	22/05/2018	Felling of Norway Spruce	Blocked by making a TPO on 22/5/2018

7 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 11: Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1	Sustainable Development
Policy CS5	Built Environment

Development Management Policies Submission Document November 2014

Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness

8 Planning considerations

Amenity Considerations

- 8.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance recommends that “TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 8.2 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree/s has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 8.3 In considering the conservation area notice to fell the Norway Spruce two tree amenity value assessments were undertaken:- The Tree Evaluation Method for Preservation Order (TEMPO), and the Helliwell appraisal system. These systems were used to evaluate whether a TPO in this case was defensible and justified. Under these appraisal system the tree scored a sufficiently high grade to justify the TPO. The amenity appraisal demonstrates that it is both expedient and appropriate to protect the Norway Spruce in the interest of amenity. The tree amenity evaluation appraisals are attached to this report.
- 8.4 The Norway Spruce makes an important and pleasant contribution to the amenity of the landscape. In particular the Spruce enhances the sylvan character of the setting and is more valuable in the dormant period when most trees on the greens and common are bare. Officers were particularly impressed with the trees excellent form and attractive appearance. The spruce is clearly visible as part of the background treescape of the conservation area from a surprisingly far distance. It can be seen from Christ Church Road (B280) right across the heart of Stamford Green because it stands slightly elevated as the ground topography rises uphill in the direction of Common. This landscape impact will increase if the tree becomes taller into the near future.

- 8.5 Enrichment of the site is achieved by the trees aesthetic quality and therefore felling will result in a denuding of tree cover that would be harmful to landscape amenity. A TPO was deemed justified because of this harm. Creation of the tree preservation order was deemed necessary as the work could proceed by default after the six week section 211 Notice period unless the Council acted by making a Tree Preservation Order to block the proposal and protect the tree.
- 8.6 Members should also be aware that the Stamford Green Conservation Character Appraisal and Management Proposal 2007 notes that the distinctive open spaces and greens surrounded by trees are a key characteristic of the area. In the appraisal map that accompanies this study it plots this Norway Spruce as an important tree in the conservation area.

Validity of the Objection

- 8.7 Officers have considered the reasons given for the objection and whilst it is accepted that the Norway Spruce might have the capacity to grow into a larger tree it is not felt that the arguments in favour of removing the tree are persuasive.
- 8.8 Norway Spruce is not a native tree species but the provenance of tree species is not a fundamental consideration when protecting trees. With the wide distribution of Norway Spruce across the northern hemisphere including parts of Europe it is not deemed to be unfamiliar or out of place. Norway Spruce grow perfectly well in this country as is evident from the fine condition of this tree. Within garden settings there are a huge variety of different trees that have for century's been cultivated for diversity, ornament and beautification of land. Even in broadleaved forests conservationist are now seeking to encourage the retention of some non-native coniferous species to provide wildlife diversity.
- 8.9 Officers do not share the view that the tree is too over-bearing, in contrast it is currently considered to be in proportion and in scale with its setting. Suggestion have been given to remove low branch overhang and remove ivy that will lighten the tree and improve its correlation to the setting. The tree may have the capacity to grow larger but the scale of this growth is by no means certain given the varied morphological possibilities of the species. Practising foresters have noted that the growth rate of Norway spruce plantations older than 40 years on heavy clay decreases sharply.
- 8.10 On three of the quadrants of the crown there is ample growing space where the branches overhang either a spacious garden or green setting. Even where the building corner of No.71 projects closer to the tree the tree still doesn't appear disproportionately dominant because the building is single story and spatial separation from the crown could be improved with sensitive crown lifting. The spacious garden area is located on the leeward side of the tree where normal twig and needle debris would fall propelled from the prevailing wind direction.
- 8.11 Two surface roots are visible erupting through the shingle of the entrance path. These roots are considered obstructive to assess. Although they are likely to increase in increment, they could be bypassed by carefully raising levels with a loose granular infill or bridging over the roots with a cellular confinement system.

- 8.12 There is no arboricultural evidence to substantiate that the tree is unstable, decayed or dangerous. No decay pathogens are evident. There is no sign of root plate instability and the tree is growing vertical. A study post 1987 storm on a small sample of uprooted Spruce revealed that these trees had a relatively shallow rooting depth to the root plate. Norway Spruce can be more prone to wind throw on thin soils. However, this does not infer that this Spruce is growing on a shallow soil, clay is usually deep, nor that the tree would be prone to wind throw. Removal of Ivy would significantly reduce the sail area of the crown and improve stability in any case.
- 8.13 There is no evidence that the Spruce is currently damaging drains or house foundations. Spruce generally have a low capacity to dry soil. This is because they have adapted sunken stomata within a rolled needle sheath that reduces transpiration of water vapour. This is not an adaption to conserve moisture from dry weather conditions as they are not trees from a hot climate, but it is an adaption to conserve moisture from physiological drought induced by permafrost. No foundation records are available for No. 70-73 given the age of the properties. Foundation requirements specified under the LABC calculator for the relationship between the Spruce and the building are not especially deep because of the low propensity of Spruce to feature in tree root damage claims. All the indications are that this tree is unlikely to damage buildings based on the information available in preparation of this report.
- 8.14 The objector advised a concern that the tree could damage drains. According to building plans No.70 has a soakaway in the court yard garden remote from the tree. According to Thames Water plans the foul drainage connects on the south side of the bungalows through the gardens of 72 and 73. Based on this information it is not thought that the tree represents a risk of drain damage.
- 8.15 The objectors have sought confirmation that the Council will accept liability for any loss suffered as a result of tree damage by the Norway Spruce. Section 202E of the Town and Country Planning Act 1990 provides that tree preservation regulations may make provision for the payment of compensation in certain circumstances. The current regulations are the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 8.16 Regulation 24 makes provision about the payment of compensation. In summary, a person will be entitled to compensation for loss or damage incurred in consequence of a decision to refuse consent. A claim would need to be made within 12 months of the Council's decision.
- 8.17 No compensation will be payable for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused. Nor will compensation be payable for loss or damage which was reasonably foreseeable and which is attributable to the failure on the part of the claimant to take reasonable steps to avert the loss or damage or to mitigate its extent.

- 8.18 In essence no right to compensation from the Council arises unless an application for felling of the tree is made under the Tree Preservation Order as detailed above.
- 8.19 Issue of inconsistency has been suggested because the Council raised no objection to the felling of an Ash tree at the rear of 66 Bracken Path (16/00898/CAT) but blocked the felling proposal of the Norway Spruce with a TPO. Officers do not believe this case is comparable as the Ash tree had a poor form made up of multiple stems, it was classified as being of low quality. The tree was growing within a few metres of the adjacent bungalow, had much less visible presence in the landscape, being set in the rear back-land. Additionally the Ash was not identified as an important tree on the conservation area appraisal study unlike the Spruce.
- 8.20 Officers concluded that the objections raised to the TPO do not appear compelling enough to override the need to protect the tree in the interest of amenity.

Expediency

- 8.21 The Felling notification indicated the applicant's original intention to fell the tree. Officers assessed that this felling was inappropriate. In view of this appraisal and the adverse impact this would have on amenity it would therefore seem reasonable for the Council to believe the tree was at risk of removal.
- 8.22 Once the amenity assessment indicates the tree is worthy of protection and there is a risk the proposal will be harmful to amenity it becomes more compulsive for the Council to act and issue a TPO.
- 8.23 Confirming the TPO will have the effect of creating a planning constraint on the use of the land, however this impact is not considered to be a disproportionate burden on the owner who would retain the right to make applications for tree works and appeal planning decisions.

9 Conclusion

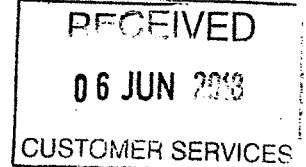
- 9.1 The Spruce makes a significant contribution to the local landscape. It is a healthy specimen of good form and has a considerable safe useful life expectancy.
- 9.2 If the order is not confirmed the tree could be removed to the detriment of the visual character and amenity of the landscape.
- 9.3 Removal of the tree would be contrary to policies contained in the Development Management Policies Document and the Core Strategy of the Local Development Framework - these seek to conserve and enhance landscape character and the natural environment. Confirmation of the TPO and retention of the tree promotes environmental sustainability.

- 9.4 It is the Officers view that the objections raised against the making of Tree Preservation Order 461 do not override the public interest to protect the tree as an amenity and natural feature.

10 Recommendation

- 10.1 That Tree Preservation Order No. 461 is confirmed without modification.

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67 Bracken Path
Epsom
Surrey
KT18 7SZ


Email: 

4-Jun-18

Copy

Environment Team
Room 4/04, Kite Wing
Temple Quay House
2, The Square
Temple Quay
Bristol, BS1 6PN

Epsom and Ewell Borough Council
Interim Head of Planning
The Parade
Epsom
Surrey
KT18 5BY

Dear Sirs,

**Epsom and Ewell Borough Council
Planning Application 17/01886/CAT
Felling of Spruce Adjacent to the frontage no. 71, Bracken Path, Epsom, Surrey**

The above referenced Planning Application has been rejected on the basis of a Tree Preservation order No 461 made on 10-May-18. We wish to appeal against that decision.

The tree in question is nothing more than a Christmas tree that was randomly planted many years ago and has now grown totally out of proportion to any other surrounding trees and buildings. It does not reflect the local fauna associated with Epsom Common and looks totally out of place. It equally is not a fine example, as has been quoted by some correspondents, since it has been ivy-bound for many years and many branches now appear dead.

Most importantly the tree is in a very dangerous condition and constitutes a significant risk to local people and several nearby buildings. The root system clearly does not penetrate sufficiently into the ground, resulting in the tree moving substantially in high winds. In natural surrounding a tree of this type would be surrounded by similar specimens that would bolster it against high winds.

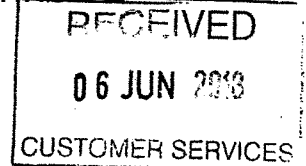
It is only a matter of time before this tree comes down in high winds and results in damage to property, or worse still, injury or death of local residents. We wish to appeal against the decision to fell the tree. Responsibility for the tree staying as it is and presenting this risk will have to remain with Epsom and Ewell Borough Council.

Yours faithfully


Gareth Pemberton


Jane Pemberton

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67 Bracken Path
Epsom
Surrey
KT18 7SZ



4-Jun-18

Copy

Environment Team
Room 4/04, Kite Wing
Temple Quay House
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Interim Head of Planning
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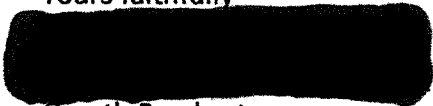
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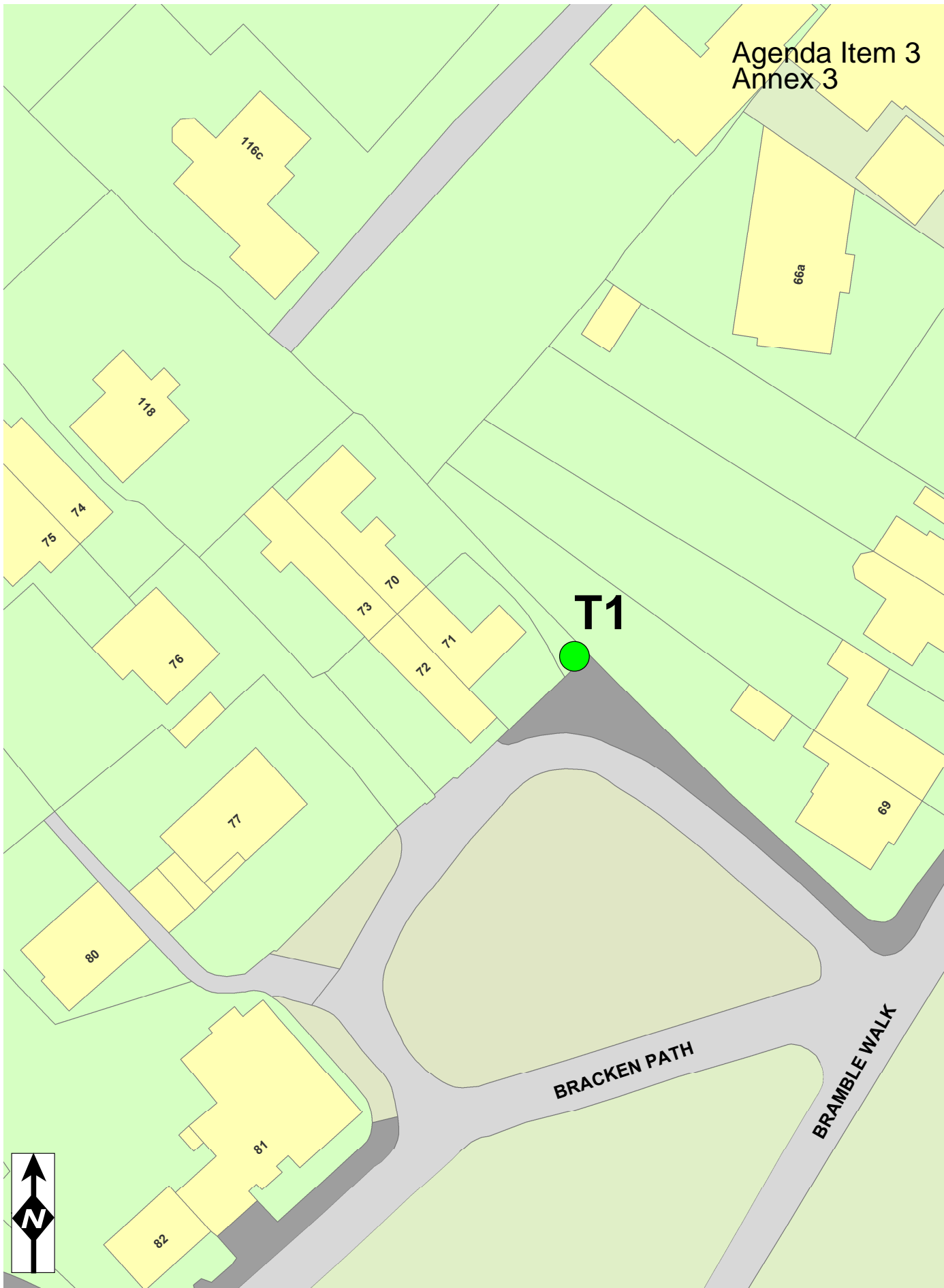


Gareth Pemberton



Jane Pemberton


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Created by: Jeremy Young
Reference: TPO 461
Revision No:
Date: 10/05/2018

T1 Norway Spruce - 70 Bracken Path Epsom
1:500

EPSOM & EWELL
BOROUGH COUNCIL



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Development Site at Court Lodge Court Lane Epsom KT19 8JP

Variation of Condition) 13 (Approved drawings) of planning permission 15/00492/FUL

Ward:	Stamford Ward
Contact:	John Robinson Planning Officer

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=PBA3HNGYKCB00>

2 Summary

- 2.1 This application seeks amendments to the extant scheme (which is at an advanced stage of construction) comprising internal layout amendments to Flat 9 and 10 and the addition of a bedroom to flat 1, on the ground floor.
- 2.2 The proposal would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for APPROVAL**

3 Site description

- 3.1 The application property is situated at the end of Court Lane. The irregularly shaped site, which extends into, and bifurcates the Court Recreation Ground, has an area of 0.16ha, with a number of mature trees located in the north east corner.
- 3.2 The property is bounded to the rear (north west) by a public footpath forming part of the Court recreation Ground, beyond which (at a higher level) are the rear gardens of properties fronting West Hill Avenue. To the east of the site is a public footpath forming part of the recreation ground, and to the south by a public car parking area.
- 3.3 To the south west, is a three storey scheme (16/01145/FUL) comprising 13 flats which is presently under construction.

- 3.4 Planning permission was granted on appeal in June 2016 for a new three-storey flatted development comprising a mixture of 1, 2 and 3 bed units (totalling 10 units) and associated parking. The scheme is presently at an advanced stage of construction.
- 3.5 The current flat mix comprises 4 one bedroom, 3 two bedroom and 3 three bedroom flat units.

4 Proposal

- 4.1 This application seeks the variation of Condition 13 (Approved drawings) of the extant planning permission 15/00492/FUL in order to amend the internal layout amendments to Flat 9 and 10, and to add a bedroom to flat 1, on the ground floor.
- 4.2 The amendments would comprise the following: Flat 9 would be reduced from a 3 bed flat to a 2 bed flat and flat 10 increased in size to accommodate a separate kitchen and a larger living/dining space within the semi-circular shaped build. The loss of a bedroom in flat 9 would be compensated by introducing a third bedroom to flat 1 on the ground floor (by partially infilling the carriageway).
- 4.3 The applicant has sought to justify the variation of the condition by stating that due to concerns over the saleability of flat 10 on the second floor “especially because of the unusual shape of the living/dining/kitchen space”.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 9 neighbouring properties and a site notice. To date (01.10.2018) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/00492/FUL	22.10.2015	Demolition of existing property to provide new three-storey flatted development comprising a mixture of 1, 2 and 3 bed units (totalling 10 units) and associated parking.	REFUSED Appeal GRANTED 09.06.2016
16/00793/COND	07.11.2016	Details pursuant to Condition 2 (Materials) of planning permission 15/00492/FUL	DISCHARGED
16/00928/COND	20.01.2017	Details pursuant to Condition 6 (Construction M P) 7 (Sustainability) 12 (details) of planning permission 15/00492/FUL	DISCHARGED
16/01193/COND	05.07.2017	Details pursuant to Condition 3 (Landscaping) of planning permission 15/00492/FUL	DISCHARGED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 5 Delivering a sufficient supply of homes
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places

Core Strategy 2007

Policy CS1 General Policy
Policy CS5 Built Environment
Policy CS6 Sustainable Development
Policy CS7 Housing Provision
Policy CS8 Housing Location
Policy CS16 Highways

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10	Design Requirements for New Developments
Policy DM10	Design requirements for new developments
Policy DM11	Housing Density
Policy DM12	Housing standards
Policy DM35	Transport and New Development

9 Planning considerations

Visual Impact

- 9.1 The reduction of flat 9 from a 3 bed flat to a 2 bed flat and flat 10 being increased in size to accommodate a separate kitchen (and larger living/dining space) would not result in any external amendments to the façade of the building.
- 9.2 The loss of a bedroom in flat 9 has been balanced by introducing a third bedroom to flat 1 on the ground floor by partially infilling the carriageway. The proposed “in-fill” would not materially detract from the appearance of the extant scheme or have a harmful impact on the streetscene.
- 9.3 The proposed amended scheme would therefore comply with Policy DM9, and DM10.

Residential Amenity

- 9.4 The proposed amendments would not give rise to any planning objections with regard to impact on residential amenity .It is accordingly concluded that the proposed development would comply with Policy DM10

Internal Space

- 9.5 The proposed reconfigured flat units would comply with the requirements of the DLGG Technical housing standards –nationally prescribed space standards for 3 bed (5p), 2 bed (3p) respectively.

Parking

- 9.6 An external pedestrian route between the front and the rear of the site would be retained and the extant number of parking spaces provided overall (13), three of which would be accessed from the existing access and the remainder to the rear and accessed via the adjacent “Birchdene” site. The cycle parking would be relocated adjacent to the highway boundary.
- 9.7 The proposed scheme would therefore comply with Policy DM37

Community Infrastructure Levy

- 9.8 The scheme would be CIL liable

10 Conclusion

- 10.1 It is therefore concluded the proposed amendments are individually and cumulatively acceptable, as the extant overall number of flats and the mix would be retained, the same quantum of parking spaces would be retained, and the partial “infilling” of the undercroft access would not detract from the appearance of the building or increase the overall bulk of the development.

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the conditions detailed below

Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the 9 June 2016 the date of the originally approved application 15/00492/FUL that is subject to this application to variation**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

1627_44; 1627_45A; 1627_50C; 1627_51A; 1627_52A; 1627_54; 1627_60A; 1627_61B; 1627_62B; 1627_63; 1627_75; 1627_45: (Tree Protection Plan)

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

- (3) **The development shall only be carried out in accordance with the external materials approved under application 16/00799/COND dated 07.11.2016.**

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.

- (4) **The development shall only be carried out in accordance with the hard and soft landscaping approved under application 16/01193/COND dated 05.07.2017.**

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.

- (5) 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 (1627_45 p1) dated June 2015 produced by David Archer Associates 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 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.

- (6) 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 13 cars and a minimum of 13 bicycles to be parked. The parking area shall be used and retained exclusively for its designated use.

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

- (7) The development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/00928/COND dated 20.01.2017.

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) The development shall only be carried out in accordance with the Sustainability Measures approved under application 16/00928/COND dated 20.01.2017.

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

Reason: To 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) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: In the interests of residential amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (11) The windows in the south western flank elevation 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 2015.

- (12) 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 tree planting in accordance with the 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: 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.

- (13) The development shall only be carried out in accordance with the 1:20 scale details (Vertical section, window details) rainwater goods approved under application 16/00928/COND dated 20.01.2017.

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.

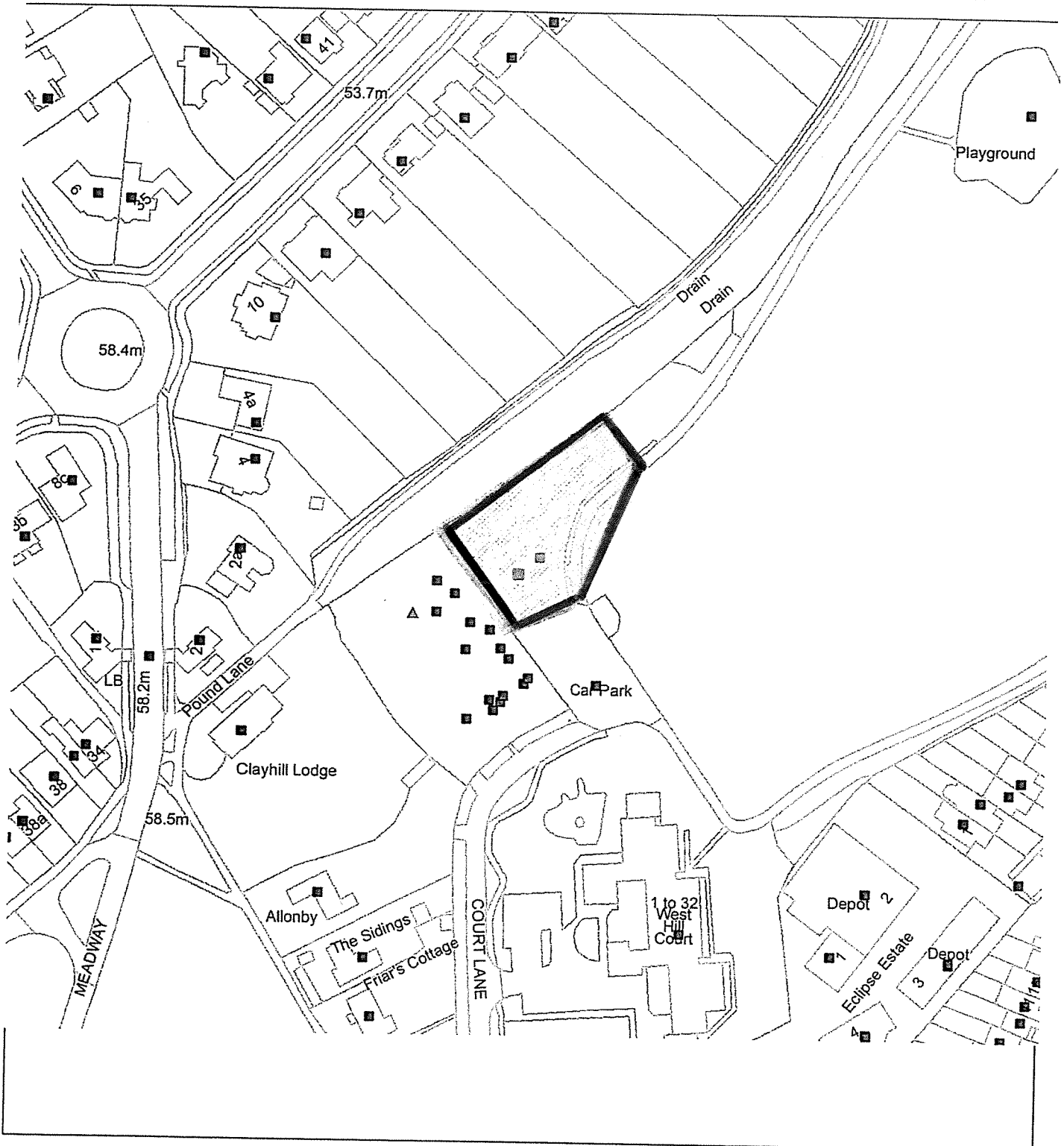
Informatives:

- (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 38 of the National Planning Policy Framework 2018

- (2) **EEBC has identified that the property is adjacent to an area of potentially contaminated land (03/00096 – Former infilled ground).**

The area has a low potential to present risk in the form of ground gassing, but as a precautionary measure, it would be advisable to incorporate into the build very basic gas protection measures such as a gas membrane impermeable to methane and carbon dioxide, solid slab foundations and a granular blanket beneath the solid slab foundations to avoid the creation of a gas pathway for any potential ingress.

- (3) **No burning of materials obtained by site clearance shall be carried out on the application site.**



Scale : 1:1330

Date	24 October 2018
Comments	
SLA Number	171

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The Clock Tower, 165 -167 High Street, Epsom, Surrey, KT19 8EW.

Epsom Clock tower brickwork restoration work to include securing loose brick, taking off any loose work and re-bedding incorporating stainless steel reinforcing bars as bed reinforcement where necessary. In addition the works will include the treatment of the asphalt roofing and minor repairs in several locations. Two number of dome windows in total will be replaced, one in each unit.

Ward:	Town Ward
Contact:	Tom Bagshaw

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/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 The applicant is seeking Listed Building Consent to undertake repairs to the Clock Tower in Epsom High Street. The repairs consist of:
- Epsom Clock Tower brickwork restoration work will include securing loose brick, taking off any loose work and re-bedding incorporating stainless steel reinforcing bars as bed reinforcement where necessary.
 - Where rebuilding is specified, the wall face will be rebuilt in sections up to 300mm deep using lime mortar and matching surrounding work.
 - The joints to brick and to stonework to walls will be raked out and re-pointed in areas specified at least 40mm deep.
 - Lime mortar for general re-pointing, bricklaying and re-setting stonework will be 1 part NHL to 3 parts aggregate. Aggregates will be well-graded sharp sand (4mm down to 75 microns) with added sharp aggregate, all from approved source. Pointing to be full and then brushed back slightly after initial set
- 2.2 In addition, the works will include the treatment of the asphalt roofing and minor repairs in several locations.
- 2.3 Two number of dome windows in total will be replaced, one in each unit.

3 Site description

- 3.1 Epsom Clock Tower was built in 1847, replacing the Watchhouse which stood from the 17th century. The Clock Tower is a Grade II listed building located in the heart of the Epsom High Street opposite the Ashley Centre. The building is approximately 25 metres high. It houses a four faced clock and toilets for the use of street traders.
- 3.2 The structure of the building comprises red and yellow brick with ashlar dressings standing on a one storey base providing accommodation for public lavatories and two commercial units. The base has oversailing courses every alternate course. Each elevation features a fixed window with glazing bars. There is a modillioned ashlar cornice which is located above the central arch. There are two lavatory blocks to the east and west of the structure. The tower has two scrolls at the top and bottom of each corner; two arched blind panels on the each elevation, each beneath a semi-circular pediment, open at the bottom, with vase finals. The structure is finished with an octagonal lantern, a modillion eaves cornice, crocketed pagoda roof and a weather vane.

4 Proposal

- 4.1 Repairs to Grade II Listed Epsom clock tower including securing loose bricks, re-pointing, structural steel reinforcements, replacement/treatment to asphalt roof and replacements of dome windows.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 22 neighbouring properties. To date (01.10.2018) 0 representations have been received.

6 Consultations

- 6.1 N/A

7 Relevant planning history

- 7.1 N/A

8 Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) 2018

- Section 16 Conserving and enhancing the historic environment
- Paragraph 185
- Paragraph 189
- Paragraph 190
- Paragraph 191

- Paragraph 192
- Paragraph 195

Local Development Framework – Core Strategy 2007

- Policy CS01 – General Policy.
- Policy CS05 – Built Environment
- Policy CS14 – Epsom Town Centre.

Development Management Policies Document – 2015

- Policy DM08 – Heritage Assets.
- Policy DM09 – Townscape Character and Local Distinctiveness.
- Policy DM10 – Design Requirements.

9 Planning considerations

Design and Impact On a Heritage Asset

- 9.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.3 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.4 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and

- Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.6 Paragraph 185 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 9.7 Paragraph 195 of the NPPF further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site;
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

- 9.8 In determining applications, Paragraph 189 of the NPPF requires local planning authorities to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Design and Access statement includes the following statement:

'Epsom Clock Tower is located in the heart of Epsom and it contributes to the sense of the town as a historic and well-established market town and makes it attractive to tourists. Preserving such historic buildings is crucial for retaining heritage and history of the Epsom and Ewell Borough for the future. Epsom Clock Tower is characterised by its Victorian residential character, the proposed restoration, by its use of traditional materials and design is considered to be a positive enhancement both of the building and the surrounding area. The impact on the heritage asset is therefore wholly positive.'

- 9.9 Epsom & Ewell Borough Council Design and Conservation Officer has been consulted and made the following comments:

'The proposed works address many of the critical issues including the damaged bricks, and poor repointing that has been carried out. Some brick will need replacing and extensive areas of repointing is required. Repair work to the roof is also required and the replacement of the rooflight is justified by its poor condition and lack of historic significance.'

However, the extent of the damage to the brickwork is very extensive and it is a concern that though the approach to the repair work may be more appropriate than previous repairs, it should not be another phase of piecemeal repair. This could leave the building with even more of a patchwork quilt look. This programme of repairs should more closely match the original building and replace a significant amount of previous and ill-advised brickwork repairs.

Issues that should be addressed include:

- Many damaged bricks have been either replaced with cement or resurfaced with coloured cement, which looks very poor and may have implications for damp penetration and may be preventing the surviving real bricks to breath. This may have implications for the further damp penetration and decay of the bricks.*
- Many bricks have been replaced with very inappropriately matched bricks. Some of the worst of these might be replaced with some that are a closer match.*

- *Some of the photographs in the specifications showing areas of brick that would be replaced are perhaps more in need of repointing and though many of the original bricks are not in perfect condition, with careful repointing in a soft mortar they could be retained.*
- *Some of the roof might be more thoroughly repaired than the proposals show there is evidence that the roof was originally leaded, which would have prevented some of the leaking that is now occurring. Though it may not be practical to re-lead the entire roof some flashing in areas of damp penetration might be considered in lead or possibly zinc.'*

9.10 The scheme has since been amended to include the whole base of the clock tower. Revised conservation comments are as follows:

'The proposal is improved by including the entire building at pedestrian level. This avoids the repairs being done on a piecemeal basis as has been done in the past resulting in a patchwork of different materials and methods or repair and making the appearance worse in some cases.

Comments:

Theses amended proposals are in principle acceptable, but to ensure that the work is carried out to a satisfactory standard care should be taken to ensure that the appropriate materials, methods and skills are utilised in the project. I recommend that a number of conditions are applied.'

9.11 The amended proposal is to repair the facades of the ground floor of the clock tower (the tower itself is not included in the proposed works).

9.12 The existing cement mortar traps moisture which threatens the integrity of the original mortar below and suffocates the brickwork further increasing moisture retention. The proposed renovations are to remove the cement mortar that has previously been sporadically used throughout the ground floor of the building for repair work and to repair the whole façade with a conservation style lime mortar. This will reduce moisture retention in the mortar itself and also allow the brick to breathe reducing the deterioration rate of the materials. Samples of the mortar will be required via condition to be discharged should the application be granted consent. (Please refer to the accompanying detailing report for specific areas of repair).

9.13 Lime mortar will be used to secure loose brickwork around the eaves and overhang of the roof. Many have become loose and need to be re-secured by repointing the brickwork. Samples of any replacement bricks will be required as a condition to be discharged should the application be granted consent (Please refer to the accompanying detailing report for specific areas of repair).

- 9.14 Throughout the ground floor of the building there have been cement infilling and replacement of damaged bricks. The quality of materials used is considered to be poor and negatively impacts the setting of the listed building. The proposal is to replace these bricks with new bricks that are sympathetic to the heritage asset and are appropriate to the style and appearance of the building. To ensure the new brick work would be in character with the existing property samples of the replacement bricks will be required by condition to be discharged should the application be granted consent. (Please refer to the accompanying detailing report for specific areas of repair).
- 9.15 The proposal includes the replacement of two existing rooflights. These dome windows are not currently watertight due to warping in warm weather. The windows will be replaced with windows that aesthetically are like for like however more weather resistant materials. (Please refer to the accompanying detailing report for specific areas of repair).
- 9.16 The asphalt roof will be repainted and repaired in solar reflective paint to reduce the impacts of weathering on the roof of the building. The roof covering is no longer bonded to the tower in several locations which is resulting in leaking and water penetration into the building. These will be repaired and re-joined to the base of the tower. (Please refer to the accompanying detailing report for specific areas of repair).

10 Conclusion

- 10.1 The proposed works to restore the Epsom Clock tower make use of appropriate materials and methods to restore both the original building and undo previous restorations that are of a poor standard and harm the appearance of the heritage asset. The proposal would therefore have a positive impact on the Grade II Listed Building and it is therefore recommended that Listed Building Consent be granted.

11 Recommendation

- 11.1 It is recommended that restoration works be permitted, subject to the following conditions:

Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the date of this decision.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

ECTBR – 001 Rev.A Epsom Clock Tower Front Elevation

**ECTBR – 002 Rev.A Epsom Clock Tower Right Elevation
ECTBR – 003 Rev.A Epsom Clock Tower Back Elevation**

ECTBR – 004 Rev.A Epsom Clock Tower Left Elevation

Site Plan

Design and Access Statement

Epsom Clock Tower Brickwork & Roof Defect Detailing Report

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

- (3) Sample bricks shall be submitted for approval by the local planning authority which shall closely match those used on the original parts of the building.**

Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.

- (4) Prior to commencement of works a sample panel of brickwork must be prepared on site with bricks and pointing to match the original parts of the building to be approved by the local planning authority. The sample panel must be retained accessible until the completion of the works. Work must be carried out in accordance with that approved sample.**

Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.

- (5) Prior to commencement of roof works, detailed specifications with section drawings illustrating junctions with brickwork around the run off and flashing details shown in section shall be submitted for approval to the local planning authority before works commence.**

Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core

Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.

- (6) Prior to commencement of works a method statement for the repair and refurbishment of all iron windows shall be submitted to and approved by the local planning authority. No work shall be carried out other those in accordance with those approved specifications.**

Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.

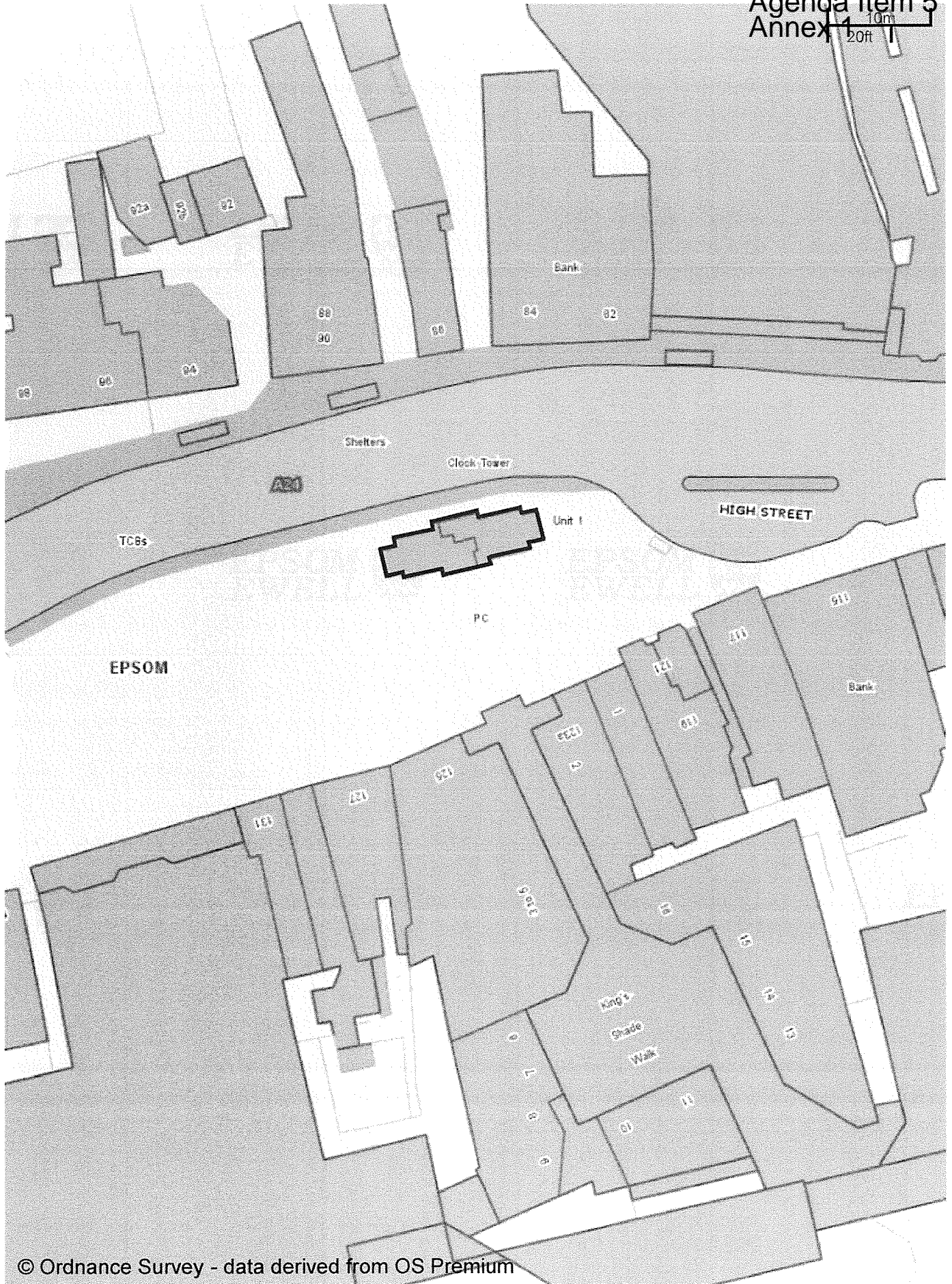
- (7) Existing bricks, when removed must be set aside in a secure location and must be selected in agreement with the local planning authority to identify those suited for reuse or disposal.**

Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6**

weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.



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101 - 111 Hollymoor Lane Epsom Surrey KT19 9JZ

Variation of Condition 2 (Approved drawings and documents) and removal of Condition 21 (Affordable Housing) of planning permission 15/01497/FUL

Ward:	Court Ward
Contact:	John Robinson Planning Officer

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=PEOMNMGYKWF00>

2 Summary

- 2.1 This application seeks the variation of Condition 2 (Approved drawings) and the removal of Condition 21 (Affordable Housing) of the extant planning permission. The Affordable Housing Statement submitted pursuant to Condition 21 requires all the housing on development to be affordable housing. However, the Statement failed to address the implications of the disposal of the shared ownership units and also of the possibility of the other tenants exercising their statutory right to acquire, both of which would result in the loss of the development retaining properties as affordable housing.
- 2.2 The application is recommended for APPROVAL, subject to the variation of the conditions and the completion of an appropriate legal agreement in order that the affordable housing requirements of the Development continue to be met.

3 Site description

- 3.1 The application site (0.49 hectares) sits on the corner of Hollymoor Lane and Sefton Road and formerly comprised partly open land and a number of semi-derelict shops with empty flats. At the south of the site, there was a slightly raised grassed area which previously contained a public house. The application site is situated to the west of Dorset Square and is within a mainly residential area. To the south of the site is the Longmead Centre. There is currently an open area to the rear of the existing building that is used for unauthorised parking by nearby residents.

- 3.2 Planning permission (15/01497/FUL) for the demolition of all existing structures and the erection of new buildings providing 1x 2 bed flat – wheelchair accessible, 20 x 2 bed flats, 3 x 3 bed houses, 4 x 4 bed houses, 2 x 5 bed houses and a replacement retail convenience store (Class A1), was granted on 17 March 2016.
- 3.3 The scheme is currently at an advanced stage of construction, and nearing completion.

4 Proposal

- 4.1 This application seeks the variation of Condition 2 (Approved drawings) and the removal of Condition 21 (Affordable Housing) of the extant planning permission. The original condition was worded as follows:

21. The residential element of the hereby approved development shall comprise 100% affordable housing provision in accordance with paragraph 2.15 of the Planning Statement dated 28 May 2015 and Orbit Homes (2020) Ltd - Affordable Housing Statement dated March 2015.

Reason: In the interests of proper planning as required by Policy CS9 of the Core Strategy (2007).

5 Comments from third parties

- 5.1 The application was advertised by means of a press and site notice, as well as letters of notification to 5 neighbouring properties. To date (10.10.2018) no letters of objection have been received.

6 Consultations

- 6.1 Property Development and Regeneration Manager: No objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01497/FUL	17.03.2016	Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1).	GRANTED
16/01224/COND	13.06.2018	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1)) to discharge Condition 15 (ground contamination investigation) ,18 (site survey of ground conditions), 19 (verification report) and 20 (monitoring and maintenance) (Description amended 07.06.2018).	DISCHARGED
16/01282/COND	17.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1). To discharge conditions 12 (construction management scheme) and 13 (highway safety measures)	DISCHARGED
16/01339/COND	30.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed	DISCHARGED

		houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge condition 28 Travel Plan)	
16/01346/MMA	05.04.2017	Minor Material Amendment to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to remove easement way between 3 and 4 bed dwellings, other minor layout changes and various minor fenestration, roofing and elevation amendments	GRANTED
16/01364/COND	22.02.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge conditions 23 (highway details)and 25 (drainage details)	DISCHARGED
16/01642/COND	05.04.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1)) .to discharge Condition 5 (Materials)	DISCHARGED
18/00652/REM		Variation of Condition 16 (Remediation Scheme) of planning permission 15/01497/FUL to permit the verification report to be	GRANTED

		completed pre-occupation rather than pre-commencement.	
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8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 5 Delivering a sufficient supply of homes

Core Strategy 2007

Policy CS9 Affordable Housing and meeting Housing Needs

Development Management Policies Document November 2015

Policy DM21 Meeting Local Housing Needs

Policy DM22 Housing Mix

9 Planning considerations

Affordable Housing

9.1 The proposed removal of Condition 21 would retain the existing quantum of affordable units within the extant scheme, but would allow a shared ownership lessee to “staircase” or an affordable tenant to exercise their statutory right to acquire, to purchase or take possession of an individual dwelling free from the restriction to utilise the property as affordable housing in perpetuity. The condition was originally drafted without consideration of these factors and are no longer appropriate going forward.

10 Conclusion

10.1 In accordance with the statutory requirements officers conclude that the amendments sought are acceptable, and would not result in the development being substantially different from the one which has been approved.

11 Recommendation

11.1 Subject to the completion of the legal agreement to ensure that the affordable housing requirements for the Development which include mix, tenure, size as well as the application of release of those units which should no long be subject to the requirement that units remain as affordable in perpetuity, the Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below

Condition(s):

(1) **The development hereby permitted shall be commenced within 3 years from the 17 March 2016, the date of the originally approved application 15/01497/FUL that is subject to this application to variation.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended).

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

12472-SPR-XX-AR-05-03-3_2, 12472-SPR-XX-AR-15-01-3_6, 12472-SPR-XX-AR-15-02-3_6, 12472-SPR-XX-AR-15-03-3_6, 12472-SPR-XXAR-15-04-3_6, 12472-SPR-ZA-AR-20-01-3_4, 12472-SPR-XX-AR-20-02-3_4, 12472-SPR-XX-AR-20-03-3_4, 12472-SPR-ZA-AR-30-01-3_8, 12472-SPR-ZB-AR-30-02-3_8, 12472-SPR-ZC-AR-30-03-3_7, 12472-SPR-ZA-AR-40-05-3_3, 12472-SPR-ZA-AR-48-07-3_1, 12472-SPR-ZAAR-48-12-3_2, 12472-SPR-L-90-01-3-2, 12472-SPR-L-90-02-3-2, 12472-SPR-L-90-03-3-2, 12472-SPR-L-90-04-3-2, 12472-SPR-L-90-05-3-2, 12472-SPR-L-90-06-3-2, 12472-SPR-L-90-07-3-2, 12472-SPR-L-90-08-3-2, 12472-SPR-L-90-09-3-2, 12472-SPR-L-90-11-3-2, 12472-SPR-L-90-12-3-2, 12472-SPR-L-95-03-3-2, 12472-SPR-L-90-01-5_3, 12472-SPR-L-90-03-4-5, 2015_06_04 - Daylight and Sunlight report, 12472_DASstatement_20150717_low.pdf, 12472_PS_00-1_1 PlanningStatement_20150528.pdf, 22205-col_Services Survey.pdf, DS-MER00977-15-120 Rev B, FRA-MER00977-15-39 Rev B, GEA-MER00977-15-100 Part1, GEA-MER00977-15-100Part2, GEA-MER00977-15-100 Part3, Hollymoor Lane Energy Report R02-Afi.pdf, Hollymoor Lane Waste Minimisation statement, MER00977-002-001_topo survey, MER00977-003-01_Drainage_Water, MER00977-301-001 Rev A Drainage Strategy, Daytime Bat Survey, RT-MME-118791-01 prelim ecological assessment, Bat Emergence survey RT-MME-119363, RT-MME-118791-03, TS-19265 - Full, UHL-EMS-POL-0004 Waste Management Policy Iss05.pdf.

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 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 suitable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (4) 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.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) The development shall only be carried out in accordance with the external materials approved under application 16/01642/COND dated 5/04/2017.**

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.

- (6) Prior to the planting of trees, as part of the approved landscaping scheme, details of the tree guards shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details on implementation of the approved landscaping and shall thereafter be retained.**

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.

- (7) All planting, seeding or turfing hereby approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.**

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.

- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C, E, F, of that Order.**

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the

appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM12 of the Development Management Policies 2015.

- (9) The retail premises hereby approved as part of the development shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: In order to ensure the provision of convenience retailing to meet the needs of local residents and also to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9, DM10 and DM31 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be first occupied until the proposed vehicular/pedestrian/cycle accesses to Hollymoor Lane and Sefton Road have been constructed and provided with visibility zones in accordance with the approved plans. The access shall be constructed in accordance with the approved details and shall be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.**

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.

- (11) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to park. The parking areas shall be permanently retained for their designated purpose.**

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 Policies DM35 and DM37 of the Development Management Policies 2015.

- (12) The development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/01282/COND dated 17/01/2017.**

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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.

- (13) The development shall only be carried out in accordance with the scheme for the bulk movement of earthworks and/or materials to and from the development site approved under application 16/01282/COND dated 17/01/2017.**

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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.

- (14) Prior to the occupation of the dwelling or the use of the retail unit of the development hereby permitted, electric charging points shall be installed in accordance with Drawing No. 12472_90_11_3-1 and thereafter retained permanently for the use of vehicles of occupiers and visitors to the premises and not used for any other purpose.**

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with Policy CS6 of the Core Strategy (2007).

- (15) The development shall only be carried out in accordance with the ground contamination investigation and risk assessment approved under application 16/01224/COND dated 13/06/2018.**

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

- (16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The approved remediation scheme must be carried out in**

accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

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

- (17) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

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

- (18) The development shall only be carried out in accordance with the site survey (filled ground or gas) approved under application 16/01224/COND dated 13/06/2018.

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

- (19) The development shall only be carried out in accordance with the approved schemes prepared under condition 18 and approved under application 16/01224/COND dated 13/06/2018.

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

- (20) The development shall only be carried out in accordance with the monitoring and maintenance scheme approved under application 16/01224/COND dated 13/06/2018.

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

- (21) The approved areas of hard surfacing will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (22) The development shall only be carried out in accordance with the details regarding the delivery vehicle layby, relocation of the existing bus stop including shelter, the relocation/provision of street lighting and the provision of new footway works approved under application 16/01364/COND dated 22/07/2017.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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.

- (23) The development hereby approved shall not be first occupied unless and until existing accesses from the site to Hollymoor Lane and Sefton Road have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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.

- (24) The development shall only be carried out in accordance with the SuDS details approved under application 16/01364/COND dated 22/07/2017 of the Core Strategy (2007)**

Reason: To ensure the drainage systems fully meets the requirements of the national SuDS technical standards in accordance with Policy CS5

- (25) Prior to occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed in accordance with the agreed scheme.**

Reason: To ensure the Sustainable Drainage System has been constructed as agreed and complies with the requirements of the national SuDS technical standards, in accordance with Policy CS5 of the Core Strategy (2007)

- (26) The development hereby approved shall not be first occupied until a Car Parking Management Plan is submitted to and approved in writing by the local planning authority. It shall include: details of the allocation of car parking spaces and on-site parking controls. The Car Parking Management Plan shall be implemented and maintained thereafter in accordance with the approved details.**

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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.

- (27) The Travel Plan shall be implemented at the first occupation of the development in accordance with the details approved under application 16/01339/COND dated 30/01/2017.**

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

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018**

- (2) 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.epsomewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>
- (3) The water efficiency standard required under condition 3 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:
- using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (4) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.
- (5) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-well.gov.uk/NR/exeres/C41A118E-B550-4CEF-9FA4-5C2BE9869E,frameless.htm?NRMODE=Published>
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and potentially a section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to three months in advance of the intended start date depending on the scale of the works proposed and the classification of the road. Please see:

www.surreycc.gov.uk/roads-andtransport/road-permits-andlicences/the-traffic-management-permit-scheme

The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

www.surreycc.gov.uk/people-andcommunity/emergency-planningandcommunity-safety/flooding-advice

- (7) The developer is advised that as part of the detailed design of the highway works required by the above planning 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. The Highway Authority will also require that any redundant dropped kerbs will be raised and any verge or footway crossing reinstated to conform with the existing adjoining surfaces at the developers expense.
- (8) The applicant is advised to contact the Post Office Ltd with regard to any re-location of the existing box on Hollymoor Lane
- (9) Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.

The Royal Automobile Club, Old Barn Road, Epsom KT18 7EW

Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations.

Ward:	Woodcote Ward;
Head of Service/Contact:	Ruth Ormella, Head of Planning

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=PCQ9BFGYKLH00>

2 Summary

- 2.1 The application seeks the construction of a lined reservoir for golf course irrigation at Woodcote Park, Epsom. The purpose of the reservoir is to reduce reliance on mains water supply.
- 2.2 Planning permission was granted on 14 January 2013 for a reservoir in the same location, under reference 12/00801/FUL. The planning permission was not implemented and expired on 14 January 2016. The original scheme sought planning permission for a 4.49 million gallon reservoir, whereas this application seeks permission for a 6 million gallon reservoir, by excavating deeper.
- 2.3 The below table sets out the variation between the expired planning permission (12/00801/FUL) and the proposed reservoir:

	This Application	Expired Planning Permission (12/00801/FUL)
Site area	1.70ha	1.189ha
Size of reservoir	6 million gallons	4.49 million gallons
Total surface area	6,701m ²	7,260m ²
Water stored above ground	10,004m ³	9,655m ³
Water level (depth)	7.4m	6m

	This Application	Expired Planning Permission (12/00801/FUL)
Depth (at deepest point)	7.4m	4.5m below ground level
Depth (at shallowest point)	0m	3.5m below ground level
Maximum length (top) (outer crest to outer crest)	113m	121m
Maximum width (top) (outer crest to outer crest)	75m	99m
Maximum length (base)	127m	55m
Maximum width (base)	94m	36m
Embankment Height (above existing ground level)	1.84m – 3.47m	3.51m
Secondary Bund Max Height (maximum height)	2.5m	2m
Embankment Banks Flat top width	3m	4m

Site description

Site Context

- 2.4 The application site ('Site') is set within the grounds of Woodcote Park, located off Wilmerhatch Lane in Epsom, Surrey. Woodcote Park measures approximately 350 acres and comprises a Grade II* Listed building, two 18-hole golf courses, a sports centre and various outbuildings and structures, some of which are also listed.
- 2.5 Woodcote Park is bound by Baron's Hurst and Warren Hill to the north, Chalk Lane to the east, Langley Vale Road to the south and Headley Road and Wilmerhatch Lane to the west. Also to the west of the site is the Ridge, which is a linear development comprising 29 detached dwellings, each contained within sizable plots.
- 2.6 The wider surrounding area comprises open countryside, residential settlements and towns and villages. Specifically, Epsom Town Centre is to the north-west of Woodcote Park and the village of Ashted is to the west of the Park. Epsom and Walton Downs is to the east of the Park, which comprises Epsom Downs Racecourse.

- 2.7 Woodcote Park is well connected with good links to the M25, A24 and B290. It also has good rail accessibility, with Epsom Railway Station, Tattenham Corner Railway Station and Ashted Railway Station located in close proximity. There are various informal footpaths running through Woodcote Park and public rights of way on Headley Road and Langley Vale Road.

Application Site

- 2.8 The application site ('Site') measures approximately 1.7ha and is broadly rectangular in size. It is located in the south-western part of Woodcote Park and currently comprises vacant land. The Site is broadly flat, albeit with an undulating surface. It is designated as Green Belt and a Grade 3 Site of Nature Conservation Interest (SNCI).
- 2.9 Immediately to the south of the Site is an estate maintenance area, where machinery is stored and activities such as wood chipping carried out. This area will remain in use. Immediately to the west of the Site are overhead power lines, which run north-south. The reservoir has been designed to ensure that there will be no impact on the power lines. There is also an underground power cable that crosses the site. It is proposed that this will be relocated by the relevant statutory provider in advance of the reservoir development coming forward.
- 2.10 The Site itself (including the estate maintenance area and overhead power lines) is enclosed by trees and shrubs, which provide screening from the wider Woodcote Park Site. Beyond the tree enclosure are two rectangular grassed plots to the north, the Coronation Golf Course to the east and a driveway to Headley Road to the west.

Access

- 2.11 The site is currently accessed by buggy from Woodcote Park. It can also be accessed via a secure gate off Headley Road, to the west of the Site. The access to the site will remain following the installation of the reservoir and only members and staff will have authority to access this.

3 Proposal

- 3.1 This application seeks the construction of a lined reservoir for golf irrigation at Woodcote Park. The purpose of the reservoir is to reduce reliance on mains water supply for irrigating the golf courses.
- 3.2 Planning permission was granted on 14 January 2013 for a reservoir in the same location, under reference 12/00801/FUL. The planning permission was not implemented and expired on 14 January 2016. The original scheme sought planning permission for a 4.49 million gallon reservoir, whereas this application seeks permission for a 6 million gallon reservoir, by excavating deeper.

3.3 The below table sets out the variation between the expired planning permission (12/00801/FUL) and the proposed reservoir:

	This Application	Expired Planning Permission (12/00801/FUL)
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Maximum width (top) (outer crest to outer crest)	75m	99m
Maximum length (base)	127m	55m
Maximum width (base)	94m	36m
Embankment Height (above existing ground level)	1.84m – 3.47m	3.51m
Secondary Bund Max Height (maximum height)	2.5m	2m
Embankment Banks Flat top width	3m	4m

3.1 The accompanying Design and Access Statement sets out that reservoir will have a maximum depth of 6m at its maximum. The banks will extend to 3.47m in height at its highest, although lower than in other parts given the change in topography across the Site. The height of the bank, the freeboard, has been designed be 500mm above the permanent water level. The reservoir will also have a secondary bund to the north and west of approximately 2m in height. The design also includes 200mm diameter overflow pipes on the eastern side of the reservoir, which will be situated 240mm above the permanent water level.

- 3.2 The proposed development includes a water storage tank and pump house, which will be located in the south east of the corner of the Site. The pump house constitutes a relatively small timber shed. The pump house will have maximum external dimensions of 3m x 4m will be 3m in height and will be constructed of galvanized steel panels.
- 3.3 It is proposed that the reservoir will be enclosed by a dark green chain link fence, approximately 1.5m in height.

4 Comments from third parties

- 4.1 The application was advertised by means of letters of notification to 11 neighbouring properties. To date (19.10.2018) 2 letters of representation has been received in response to this proposal, regarding:
- Fencing
 - Flood Risk
 - Potential Insects

5 Consultations

The following Statutory Consultees were consulted:

SCC Heritage Conservation Team: Archaeology: no objection. Recommend planning conditions

Environment Agency: no objection. Offered advice with respect to flood risk and groundwater abstraction

Surrey County Council Highways: no objection. Recommend planning condition

6 Relevant planning history

Woodcote Park is subject to an extensive planning history. The below table sets out the recent and relevant applications pertaining to the Application Site only:

Application number	Decision date	Application detail	Decision
12/00801/FUL	14/01/2013	Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations	Granted
10/00940/FUL	25.02.2011	Construction of a new 4.0 million gallon irrigation reservoir (lined)	Withdrawn

7 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 2	Achieving sustainable development
Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Nature Conservation Areas
Policy CS5	Conserving and Enhancing the Quality of the Built Environment
Policy CS6	Sustainability in New Developments

Development Management Policies Document (2015)

Policy DM1	Extent of Green Belt
Policy DM5	Trees and Landscape
DM8	Heritage Assets
Policy DM10	Design Requirements for New Development (Including House Extensions)

8 Planning considerations

Principle of development

- 8.1 This application seeks the construction of a lined reservoir for golf irrigation. The Site falls within the Green Belt, which is awarded protection by both National and Local Planning Policy. This seeks to safeguard the permanence of the Green Belt and ensure that its quality is maintained.

- 8.2 The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. As above, the Government attaches great importance to Green Belts and paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.
- 8.3 Paragraph 134 of the NPPF sets out the five purposes that Green Belt serves. These are provided below:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.4 Paragraph 141 of the NPPF sets out that once Green Belts have been defined, Local Planning Authorities should plan positively to enhance their beneficial use, such as looking for opportunities to (inter alia) provide for outdoor sport and recreation and retain and enhance landscapes.
- 8.5 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 8.6 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that valued landscapes should be protected and enhanced.
- 8.7 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.

- 8.8 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 8.9 This application seeks the construction of a lined reservoir for golf irrigation. Whilst the NPPF does not specifically set out that a reservoir constitutes appropriate development in the Green Belt, its purpose, in this instance, is to serve the adjacent golf courses. It is therefore facilitating outdoor sport and recreation and complies with paragraph 145 of the NPPF.
- 8.10 The Site itself is within an area of cleared plantation and is contained by tree belts, which provide physical containment and visual enclosure to the Site. Due to its location between the golf courses at Woodcote Park and the Ridge, it will prevent sprawl and encroachment, which is a principle objective of National and Policy DM1. A Landscape and Visual Impact Statement accompanies the application (ref: Project/Ref, July 2018) and this recognises that the Site is well-contained, with one partial glimpsed view from Headley Road where there is a short gap in the existing tree belt. Whilst there are filtered near distance views to the site, especially during winter, the report considers that the proposed reservoir would be readily contained within the existing tree belts and plantation woodland and would not result in the loss of any important landscape features. Therefore, the proposal is considered to comply with paragraph 170 of the NPPF.
- 8.11 The application site is currently vacant and unkempt and is not considered to make an important contribution to the character of the Green Belt. The proposed reservoir provides an opportunity to bring the vacant site into use and enhance its immediate landscape through sensitive design, in conformity with paragraph 141 of the NPPF and Local Planning Policy.
- 8.12 In summary, the proposed reservoir is not considered to detrimentally harm the Green Belt. Instead, it will bring into use and enhance a vacant plot of land that is contained within existing tree belts. The proposed reservoir will provide an enhancement of the Site.

Design

- 8.13 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 8.14 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 8.15 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.16 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:
- create attractive, functional and safe public and private environments;
 - reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
 - make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 8.17 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.

- 8.18 A Design and Access statement accompanies the application. This sets out the proposal is for a 6 million gallon reservoir for the irrigation of the two golf courses. The volume of water is to be stored above ground level. As part of the previous scheme, a technical analysis of water requirements was undertaken and based on historical usage records and a review of the golf course management, it was established that a minimum of 6 million gallons surface water reservoir is required to meet the irrigation needs to the two golf courses at Woodcote Park.
- 8.19 The accompanying Design and Access Statement sets out that reservoir will have a maximum depth of 6m at its maximum. The banks will extend to 3.47m in height at its highest, although lower than in other parts given the change in topography across the Site. The height of the bank, the freeboard, has been designed be 500mm above the permanent water level. The reservoir will also have a secondary bund to the north and west of approximately 2m in height. The design also includes 200mm diameter overflow pipes on the eastern side of the reservoir, which will be situated 240mm above the permanent water level.
- 8.20 The proposed development includes a water storage tank and pump house, which will be located in the south east of the corner of the Site. The pump house constitutes a relatively small timber shed. The pump house will have maximum external dimensions of 3m x 4m will be 3m in height and will be constructed of galvanized steel panels.
- 8.21 The reservoir will be enclosed by a dark green chain link fence approximately 1.5m in height.
- 8.22 A landscape concept plan is provided within the Design and Access Statement (see Figure 6.6), which sets out how the reservoir will integrate within its immediate landscape. This is also included within the accompanying Landscape and Visual Impact Statement (July 2018), see drawing L14. The proposal is considered to comply with design requirements of the NPPF, Policy CS5 and Policy DM10.
- 8.23 In summary, the technical detail of the proposed reservoir is illustrated within the accompanying Design and Access Statement and accompanying drawings. The design of the reservoir and the proposed indicative landscape plan is considered to comply with the NPPF, Policy CS5 and Policy DM10.

Sustainable Development

- 8.24 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.

- 8.25 Policy CS1 of the Core Strategy (2007) expects development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environment and should achieve high quality sustainable environments for future generations.
- 8.26 The proposed reservoir will be located on a vacant and unused piece of land. The proposed reservoir will enable the sustainable irrigation of the adjacent golf courses, reducing reliance on mains water supply. This in turn will help to achieve sustainable development, conforming with National Planning Policy and Policy SC1.
- 8.27 The proposed reservoir has been designed to assimilate within its landscape and will add a new feature to the Site. The new waterbody with aquatic and marginal planting will increase the biodiversity value of the Site, which will enhance the environment and help to achieve sustainable development. This conforms with Policy CS1.
- 8.28 In summary, the proposed reservoir is considered to achieve sustainable development by reducing reliance on mains water supply and increasing the biodiversity value of the Site through the provision of a new waterbody with aquatic and marginal planting.

Impact on Biodiversity and Ecology

- 8.29 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 8.30 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.31 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

- 8.32 An Ecological Appraisal accompanied the previous application at the Site (ref: C_EDP1297_01g, September 2012) and an Updated Ecology Report accompanies this application (ref: edp1297_r020b, August 2018). These reports should be read in conjunction with each other. The Updated Ecology Report is informed by a range of ecology survey work undertaken in 2012. Due to the potential of the Site to have changed during the intervening period, an update desk study, Extended Phase 1 Habitat survey, pilot breeding bird survey and reptile survey was completed in April and May 2018, to establish whether any material changes to the ecology baseline have taken place in the interim.
- 8.33 Aside from Roman snails being present within the Application Site, the habitat and species interests within the Site are largely unchanged from the original Ecological Appraisal carried out in 2012. The Site continues to support an assemblage of habitats and species that are considered to be of low ecological value. The Update Ecology Report sets out that the recommendations and conclusions drawn in the 2012 Ecological Appraisal are still considered to remain appropriate. Additional recommendations are also provided with respect to breeding birds and Roman Snails.
- 8.34 For clarity, the original Ecological Appraisal sets out the following recommendations:
- Create new aquatic, wildflower grassland and shrub habitat that offer additional opportunities for protected/notable species of amphibians, reptiles, birds, bats and invertebrates (e.g. Roman Snail);
 - Include within the reservoir design, where feasible, varied water depths and graded margins that are suitable for a variety of emergent wetland plant species and protected/notable species of amphibians and invertebrates;
 - Clearly demarcate and protect the plantation woodland habitat from construction works in line with the (previously submitted and approved) Arboriculture Report;
 - Enhance the adjacent plantation woodland habitat in line with the (previously submitted and approved) Arboriculture Report through appropriate management such as thinning and coppicing in order to enhance opportunities for protected/notable species of birds and dormice;
 - Undertake vegetation clearance outside of the bird breeding season (February to September inclusive) or following inspection by an ecologist if not active nests are identified;
 - Include a high proportion of native fruit/nut bearing and flowering species in new/replacement tree, shrub and herb planting to enhance opportunities for bats, birds and invertebrates;
 - Take a precautionary approach during construction to avoid the accidental killing or injury of reptiles by such measures as phase vegetative clearance, dismantling of potential refugia by hand and briefing of construction workers of reptile interests;

- Take a precautionary approach during construction to avoid the accidental killing or injury of Roman Snails as per the reptile mitigation strategy;
- Enhance opportunities for reptiles through the creation of wildflower grassland and hibernacula (rubble piles); and
- Appoint an Ecological Clerk of Works to the scheme to advise on and oversee, where necessary, the recommendations.

8.35 A Landscape and Visual Impact Statement (July 2018) is submitted with the application. This identifies that the proposed reservoir offers an opportunity for structural diversity across the Site's tree cover and provides potential for a variety of habitats through proposals for a new water body. The proposed species-rich grassland / wildflower meadow habitat will introduce a new habitat to the Site and can be seen on the Landscape Strategy Plan (Drawing No: LI4) within the Landscape and Visual Impact Statement.

8.36 The Site is designated as a Grade 3 SNCI, which is an area designated locally for its wildlife importance. In line with Policy CS3, development that would harm a Grade 3 SNCI will not be permitted unless it can be demonstrated that the benefits of the development would outweigh the harm caused. In this instance, it is understood that the habitats and species within the Site are considered to be of low ecological value. The proposal would provide potential for a variety of new habitats to be introduced into the Site. It is therefore considered that the ecological value of the Site will improve, in conformity with the objective of the NPPF and Policy CS3.

8.37 In summary, the Site supports an assemblage of habitats and species that are considered to be of low ecological value. The proposed reservoir offers an opportunity for structural diversity across the Site's tree cover and provides potential for a variety of new habitats. The proposal is therefore considered to enhance the ecological value of the Site, in conformity with National Planning Policy and Policy CS3.

Trees

8.38 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

8.39 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 8.40 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 8.41 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 8.42 An Arboricultural Implications Report accompanies the application (ref: SJA air 18095-01c, July 2018). This sets out that 33 individual trees and four groups of trees growing within or immediately adjacent to the site were surveyed. The trees are located primarily on the boundaries of the Site.
- 8.43 The permitted scheme in 2012 did not require the removal of any trees. The current scheme proposes a reservoir with a 6 million capacity, which requires a larger footprint and which will result in tree losses. All of the trees and groups of trees that constitute the main Arboricultural features of the Site and which make the greatest contribution to the character and appearance of the local landscape, to amenity or to biodiversity, will be retained.
- 8.44 To accommodate the proposed development, six individual trees (nos. 13, 14 and 22-25) are proposed to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. Of the trees to be removed:
- None are category 'A'
 - None are category 'B'
 - Six are category 'C'
 - Two groups of trees (G2 and G4) are to be partially removed.
- 8.45 None of the individual trees or groups of trees to be removed are covered by a TPO. The six category 'C' trees that are to be removed are of low quality, low value, or short-term potential. For these reasons, their removal will have no significant impact on the character and appearance of the area.

- 8.46 Of the four groups, one category 'A' group and one category 'B' group are to be partially felled. Ten individual specimens on the northern edge of the category 'A' group (G4) at the southern end of the site will be removed, but as these grow internally to the Site, their removal is considered to make no alteration to the Arboricultural character and appearance of the surrounding landscape.
- 8.47 The category 'B' group (G2) on the northern boundary of the site is proposed to be narrowed, by removing a strip of trees within it along its south edge. This will reduce the total area of canopy cover it provides by approximately 60%, but this will not require the removal of any large of mature trees, or any trees that are prominent or significant features of the local landscape.
- 8.48 The Design and Access Statement that accompanies the proposal sets out a Landscape Concept Plan. This proposes indicative zones for reinforcement woodland and understorey planting. It sets out that reinforcement woodland and understorey planting would be beneficial along the western boundary to Headley Road. Additionally, there is potential for tree and shrub planting to the north-east and south-east of the reservoir to integrate the proposed pump house and storage tank into the landscape structure.
- 8.49 In summary, no category 'A' or 'B' trees are to be removed and none of the main arboricultural features of the site are to be removed. The proposed removal of individual trees and partial removal of groups of trees will represent no noticeable alteration to the main arboricultural features of the Site, nor will it have an adverse impact on the arboricultural character and appearance of the local landscape. The proposal provides indicative zones for reinforcement woodland and understorey planting and subject to landscaping being conditioned, the proposal is considered to comply with National Planning Policy and Policy DM5.

Flood Risk

- 8.50 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

- 8.51 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - avoids increasing the risk of, or from, flooding.
- 8.52 A Flood Risk Assessment has been submitted with the application (ref: 7004190/MZ/EI, June 2018). This sets out that the site is located within Flood Zone 1 (low probability of flooding) and that no other significant sources of flooding have been identified as affecting the area in which the reservoir is proposed. The Flood Risk Assessment sets out that it has been demonstrated that even in an extreme rainfall scenario there is sufficient storage capacity within the reservoir to manage the additional rainfall volume. In addition overflow pipes will be positioned on the eastern side of the reservoir to direct any exceedance flow towards the undeveloped valley where the golf course is located.
- 8.53 The Environment Agency (EA) formally responded to the application on 05 September 2018. The EA has no objection to the planning application submitted. The letter does however set out advice with respect to flood risk and groundwater abstraction. Specifically, the letter sets out that the volume retained is below the 25,000m³ threshold for a large raised reservoir and a breach is unlikely on non-impounding reservoirs if correctly designed and constructed, as filling would be controlled. If there are any signs of problems, the reservoir inflow can be stopped.
- 8.54 The EA letter also sets out that as the reservoir is below the qualifying volume it will not be subject to a routine inspection regime. However, there remains a duty of care on any landowner to maintain their assets and operate them in a safe condition.
- 8.55 The proposed reservoir is within Flood Zone 1 (low risk of flooding). As such, the proposal is not within an area at risk of flooding, in conformity with paragraph 163 of the NPPF. The accompanying Flood Risk Assessment sets out even in an extreme rainfall scenario, there is sufficient storage capacity within the reservoir to manage the rainfall volume and therefore it complies with Policy CS6.

- 8.56 In summary, the proposed reservoir will irrigate the adjacent golf courses, reducing reliance on mains water supply. It has been designed to ensure that even in an extreme rainfall scenario, the reservoir will have sufficient storage capacity to manage the additional rainfall volume and as such, complies with Policy CS6.

Archaeology

- 8.57 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.58 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 8.59 Policy DM8 (Heritage Assets) of the Development and Management Policies seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 8.60 The application exceeds the 0.4ha threshold at which archaeological assessment is required under Local Plan policy DM8. As such, an Archaeological Impact Assessment (ref: edp1297_r005c, June 2018) accompanies the application. This indicates that there no archaeological remains were identified within the Site, although some archaeological potential has been identified.
- 8.61 The Surrey County Council Archaeological Consultation response recommends a programme of archaeological monitoring of the groundworks associated with the proposed development as an acceptable and proportionate response to ensure that any heritage assets of archaeological significance that may be present are adequately identified and recorded. Given that any archaeological Heritage Assets that may be present are unlikely to be of national significance requiring preservation in situ, securing the archaeological monitoring as a condition of any planning permission is appropriate. The methodologies to be adopted during the archaeological monitoring will need to be specified in a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority before the development can commence.

8.62 In summary, an Archaeological Impact Assessment accompanies the application, which concludes that based on available evidence, there is a low to moderate potential for the proposed development to encounter archaeological remains. Subject to a condition, the Surrey County Council Archaeological Consultation posed no objection to the proposal at this location.

8.63 Community Infrastructure Levy (CIL)

8.64 The proposal is not CIL liable.

9 Conclusion

9.1 This application seeks the construction of a lined reservoir for golf course irrigation at Woodcote Park, Epsom. The purpose of the reservoir is to reduce reliance on mains water supply.

9.2 The principle of development has already been established. Planning permission was granted on 14 January 2013 for a reservoir in the same location, under reference 12/00801/FUL. The planning permission was not implemented and expired on 14 January 2016. The original scheme sought planning permission for a 4.49 million gallon reservoir, whereas this application seeks permission for a 6 million gallon reservoir, by excavating deeper.

9.3 The proposed reservoir would be well integrated within the landscape setting and is not considered to constitute inappropriate development within the Green Belt. The proposed reservoir would enhance what is currently damaged and derelict land and provide ecological and biodiversity benefits. It is considered to comply with National and Local Planning Policy requirements.

10 Recommendation

10.1 Grant planning permission, 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 carried out in strict accordance with the approved drawings:**

Site Location Plan: RAC_SLP_09_05.18

Site Sections: RAC_SS_08_06.18

Irrigation Reservoir 6million gallons: RAC_IRP_10_06.18 rev D

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) Prior to the commencement of development (other than ground works and access construction), details, including siting, floor plans, elevations and external materials of the associated pump house shall be submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance within the approved details.**

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.

- (4) No fence(s) shall be installed until the details of the design, external appearance and decorative finish of all fences and any other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being brought into use and shall thereafter be retained.**

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.

- (5) The reservoir land forming and development, shall be carried out in strict accordance with the agreed recommendations for Tree Work and Tree Protection as detailed in the Arboricultural Assessment produced by SJA dated July 2018 reference SJA air 18095-01C**

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

- (6) No development shall take place until an Arboricultural Method Statement and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The**

fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (7) 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) HGV deliveries and hours of operation**
 - (e) vehicle routing**
 - (f) measures to prevent the deposit of materials on the highway**
 - (g) 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: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway 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) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works only shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.**

Reason: The site has archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

- (9) The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological Appraisal dated August 2018 (Report Reference - EDP1297_r020b) and the recommendations and conclusions drawn in the 2012**

Ecological Appraisal (Report Reference - EDP1297_01g) dated September 2012.

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.

- (10) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA produced by WSP dated June 2018 reference no. 7004190/MZ/EI.**

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

- (11) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**

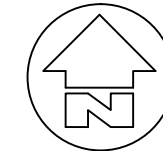
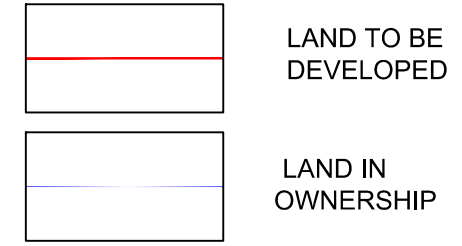
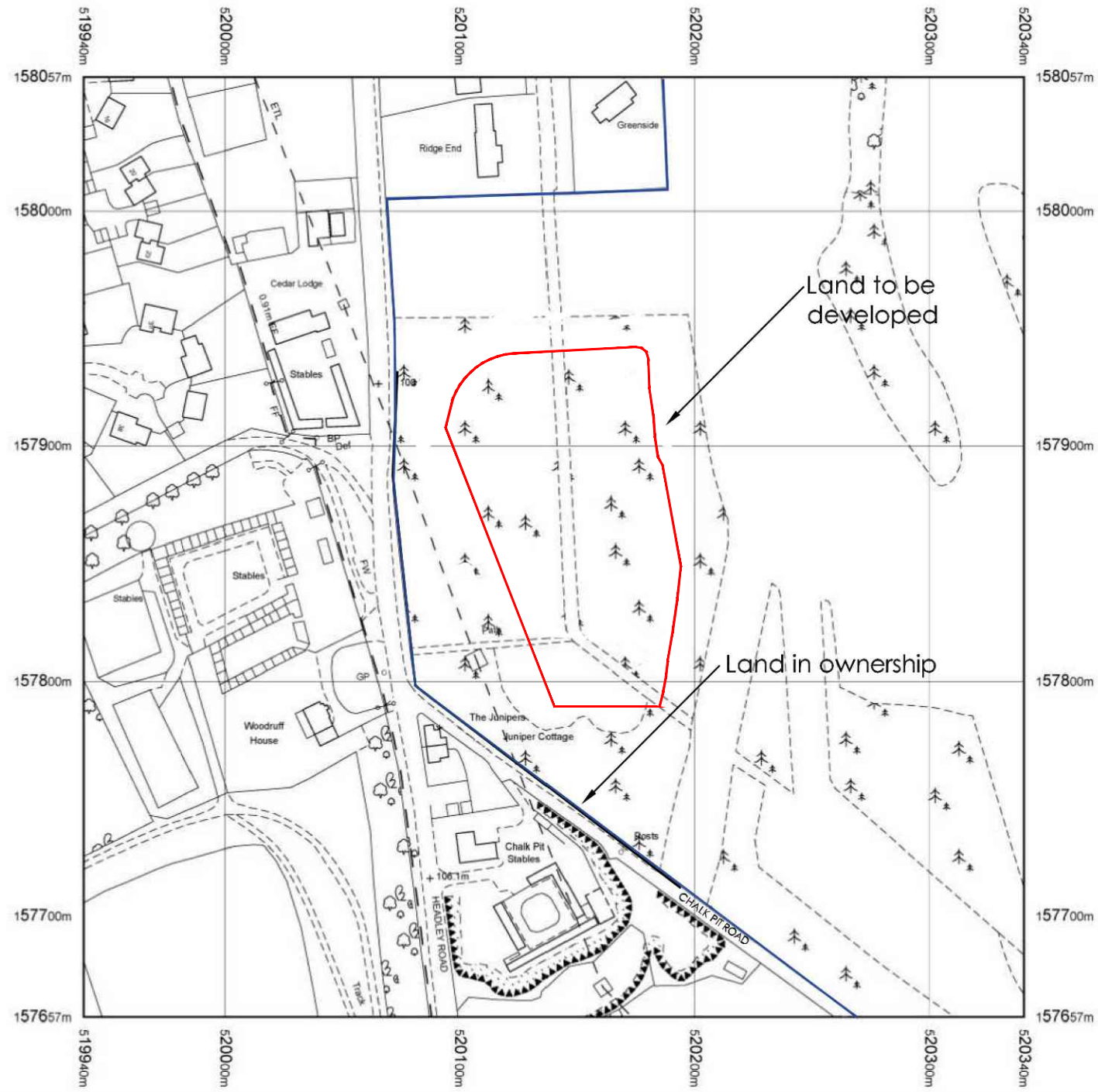
Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) Details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be 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.

Informative:

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



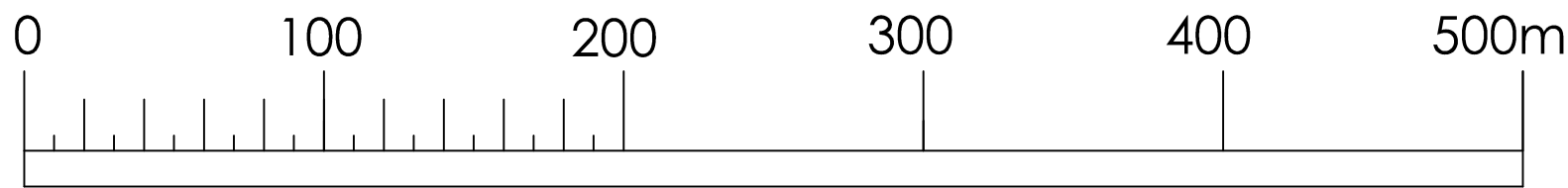
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Google Maps

REV E			
REV D			
REV C			
REV B			
REV A			
REV	DATE	INITIALS	NOTES

SITE ROYAL AUTOMOTIVE CLUB			
CLIENT ROYAL AUTOMOTIVE CLUB			
DRAWING TITLE SITE LOCATION PLAN			
SCALE 1:2500@A3	PAPER SIZE A3	DRAWN BY	DATE 31.05.18
PROJECT No.	DRAWING No. RAC_SLP_09_05.18	REVISION ~	



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Ryebrook Studios, Woodcote Side, Epsom, Surrey

Amendment to the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

Ward:	Woodcote Ward;
Head of Service/Contact:	Ruth Ormella, Head of Planning

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=PFZ3SAGY0BY00>

2 Summary

- 2.1 This application seeks to amend the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

3 Site description

- 3.1 The application site is known as Ryebrook Studios. Planning permission was granted for the conversion of the former Woodcote Lodge to provide 14 self-contained flats, basement and car parking (15/00992/FUL).
- 3.2 The site is bounded to the immediate north by No.2 Woodcote Side, a circa 1900's Grade II listed, bungalow which has been extended by means for a single storey rear extension along the site's boundary.
- 3.3 To the South, the "Studios" abuts a two storey building Nos.6 and 6A, with undercroft access fronting Woodcote Side. To the immediate rear is another part two/part three storey building set along the western boundary of the application site. (Both buildings comprise student accommodation). A car park accommodating some 15 spaces separates the front and rear buildings.
- 3.4 To the East, on the opposite side of Woodcote Side, are two terraces of two storey houses, set behind short front gardens and boundary fences/planting.
- 3.5 To the west, the site adjoins a large area of public open space forming part of the Epsom and Ashted Common.

- 3.6 The development is nearing completion and prospective purchasers are ready to occupy the open market flats.

4 Proposal

- 4.1 This application seeks to vary the S106 Agreement that accompanies planning permission 15/00992/FUL in order to enable two affordable housing units to be provided as shared ownership.
- 4.2 The applicant has sought to justify the variation to the S106 agreement and provided a planning statement which seeks to amend the agreement to provide a cascade arrangement to enable a shared ownership or alternatively a commuted sum.

5 Comments from third parties

- 5.1 The application to vary the provisions of the S106 agreement does not require consultation or notification, as the development is not varying from the original permission, rather the provisions of the agreement are proposed to be varied to enable the affordable housing to be delivered on the site.

6 Consultations

- 6.1 None required

7 Relevant planning history

- 7.1 The site is subject to an extensive planning history, which is provided in the below table.
- 7.2 This application seeks to amend the Section 106 Agreement that accompanies planning application 15/00992/FUL, which was granted planning permission on 26 January 2016. An application to discharge Condition 11 (remediation scheme), Condition 16 (verification report) and Condition 17 (SuDs) of application 15/00992/FUL was approved on 06 August 2018, under reference 17/01880/COND. These applications are detailed within the below table.

Application Number	Decision Date	Application Detail	Decision
17/01880/COND	06.08.2018	Details pursuant to Condition 11(Remediation scheme) 16 (Verification Report) 17 (SuDS) of planning permission 15/00992/FUL	Granted
17/00983/NMA	29.10.2017	Non-material minor amendment to planning permission 16/00547/FUL to permit amended parking layout to provide	Granted

Application Number	Decision Date	Application Detail	Decision
		sufficient space for the cars to manoeuvre into the spaces, addition of meter cupboard to the rear of the existing refuse store, and reconfiguration of the entrance steps	
16/01739/COND	11.04.2017	Details pursuant to Conditions 1,2 (Contaminated Land) of planning permission 16/01106/PDCOU	Granted
16/01715/REM	11.04.2017	Removal of Condition 1 (Contaminated Land) 2 (Ground Gas) of planning permission 16/01106/PDCOU	Granted
15/00985/COND	20.02.2017	Details pursuant to Condition 1 and 2 (Contaminated Land) of prior approval 15/00373/PDCOU	Granted
16/01106/PDCOU	06.12.2016	Prior approval for the change of use of the existing office building (Use Class B1(a)) to 9 self-contained flats (Use Class C3)	Prior Approval Required and Permitted
16/00547/FUL	13.09.2016	External alterations to East elevation of existing building, creation of new secure and covered external timber refuse and recycling store within existing car park; creation of new secure and covered cycle store for 20 cycles within existing car park. (Amended site layout received 06.09.2016)	Granted
15/00992/FUL	26.01.2016	Demolition of single-storey former office building and the erection of a part two/part three-storey building, accommodating 14 self-contained flats, with 20 associated surface and lower ground floor level car parking spaces.	Granted
15/00374/PDCOU	28.07.2015	Prior approval for the change of use of the existing office building (Use Class B1(a)) to 4 self - contained flats (Use Class C3).	Prior approval is required and approved
15/00373/PDCOU	28.07.2015	Change of use of the existing office building (Use Class B1(a)) to 9 self -contained flats (Use Class C3). (Front of building)	Prior approval is required and approved
15/00579/PDCOU	14.08.2015	Change of use of the existing office building (Use Class B1(a)) to 1 self-contained flat (Use Class C3) (rear).	Prior approval is required and approved

Application Number	Decision Date	Application Detail	Decision
14/01219/PDCOU	29.12.2014	Change of use of the building from office (Use Class B1) to 12 self-contained flats (Use Class C3) (Frontage building).	Prior approval is required and approved
14/00747/PDCOU)	10.09.2014	Prior Approval for the change of use of the building from office (Use Class B1) to 12 self-contained flat units (Use Class C3).	Refused

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 5 Delivering a sufficient supply of homes

Core Strategy 2007

Policy CS9 Affordable Housing and meeting Housing Needs

Revised Developer Contributions Supplementary Planning Document 2014

9 Planning considerations

Affordable Housing Provision

- 9.1 Chapter 5 of the National Planning Policy Framework (NPPF) (2018) encourages the delivery of affordable housing on-site. It expects at least 15% of homes to be available for affordable home ownership on major developments (subject to exemptions).
- 9.2 *Policy CS9 (Affordable Housing & Meeting Housing Needs)* of the Core Strategy (2007) sets out that new housing developments should include a mix of dwelling types, sizes and tenures. For residential developments of between five and fourteen dwellings gross, at least 20% of dwellings are required to be affordable.
- 9.3 *Policy CS9* does not set out required housing tenures, however supporting paragraph 3.12.10 states that this policy will provide the basis of detailed negotiation with residential developers. In all cases the Council will seek the maximum reasonable amount of affordable housing in negotiating on individual schemes and will have regard to its affordability and tenure-balance targets; the suitability of the site for different types of affordable housing provision; and the economics of site provision, taking into account any abnormal site development costs, the availability of subsidy and other relevant planning requirements.

- 9.4 Supporting paragraph 3.12.11 states that other than in exceptional circumstances, the provision of the affordable housing should be made on site. Where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable. In these instances, the proposal will need to reflect the fact that the facilitating site will be developed for 100% private market housing, and the proportion of affordable housing units sought, or financial contribution offered, calculated accordingly.
- 9.5 The Revised Developer Contributions Supplementary Planning Document (SPD) (2014) sets out that the Council expects affordable housing units to be provided on housing development sites. In very exceptional circumstances, where it has been agreed that on-site provision is not appropriate, and no suitable alternative site is available in the Borough, financial payment in lieu will be considered by the Council.
- 9.6 The SPD also sets out that the Council expects a variety of affordable dwelling types to be provided to meet the wide range of housing needs identified. The precise mix of dwelling type for the affordable housing element will change as needs vary over time and from location to location. The Council's Housing Division will advise developers of the most appropriate housing mix for individual sites in respect of size, type and tenure. It is also important that the developer engages in pre application discussions with the Council's planning officers to establish what may be an acceptable scheme.
- 9.7 The permitted scheme accommodates 14 self-contained flats and its S106 Agreement requires the developer to (inter alia) provide and transfer 2 x 2 bedroom flats for affordable housing rent tenure to a Registered Provider. The S106 is an old style agreement in that does not allow for a "Cascade Agreement", which would revert to a commuted sum or change in affordable housing tenures in the event the original affordable housing requirements cannot be fulfilled.
- 9.8 The developer and "affordable housing 106" both made concerted efforts to secure a Registered Provider to transfer the 2 x affordable housing units to, but there was no initial interest from local Registered Providers.
- 9.9 Mount Green, a small Registered Provider, provided interest in the 2 x affordable housing units once development had commenced. Mount Green confirmed that it would be willing to contract with the developer for the units on a shared ownership tenure basis, which would require a Deed of Variation to the existing S106 Agreement.

- 9.10 The development is now complete and Mount Green has advised that two parties are ready to purchase the 2 x affordable housing units for shared ownership. As such, this application seeks to vary the S106 Agreement so that the definition of affordable housing extends to shared ownership. The required change of tenure is considered to comply with National Planning Policy, Policy CS9 of the Core Strategy and the Revised Developer Contributions SPD.
- 9.11 In the event that the units are not transferred, the developer has provided a figure for a financial contribution in lieu of the 2 x affordable housing units. A financial payment in lieu will be considered by the Council in a very exceptional circumstance, in line with the Revised Developer Contributions SPD.
- 9.12 In summary, the required change of tenure from affordable housing rent to shared ownership is considered compliant with National and Local Planning Policy.

10 Conclusion

- 10.1 The proposed change of tenure from affordable housing rent to shared ownership is considered compliant with National and Local Planning Policy. In the event that the 2 affordable units are not transferred, the developer has provided a figure for a financial contribution in lieu of the 2 affordable housing units. A financial payment in lieu will be considered by the Council in a very exceptional circumstance, in line with the Revised Developer Contributions SPD.

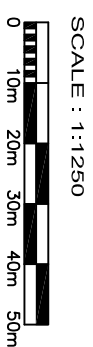
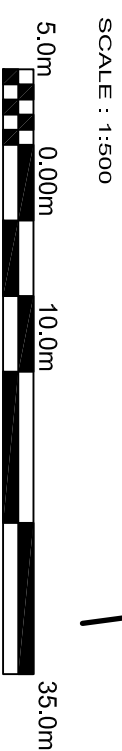
11 Recommendation

Subject to a Deed of Variation being completed and signed by all parties to secure the following amendment:

- a) Amend the affordable housing requirement from 2 no. affordable rented units to 2 no. shared ownership units

Informative:

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



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Monthly Report on Planning Appeal Decisions - November Committee 2018

This report provides Members with an update on recently decided appeals and identifies any notable decisions.

Ward:	N/A
Head of Service/Contact:	Ruth Ormella, Head of Planning

The planning department has received the following 2 appeal decisions from the 21st September to the 25th October:

Site Address	Planning Reference Numbers	Description of Development	Decision + Costs?
31b West Street, Ewell KT17 1XD	17/01530/FLH APP/P3610/D/18/3207302	Conversion of roof space with two front roof lights, erection of side dormer window, rear dormer window and single storey side/rear extension.	Allowed 21 st September No costs to either side.
13 Bahram Road, Epsom, Surrey, KT19 9DN	17/00729/FLH APP/P3610/D/18/3208270	Proposed is for a new cross over and driveway for off road parking	Dismissed 5 th October No costs to either side.

Summary of Appeal Decisions:

31b West Street:

The inspector has disagreed with the council that the dormer windows would be out of character with the Conservation Area. The inspector has stated that the host dwelling is in an area of the CA with no particular architectural style. The inspector considers that the height of the adjoining property above the street and the curve of West Street ensures that the appeal property can only be seen in the street scene through a small angle of view. The pair of front gable bays on the front of the pair of dwellings also restricts views of the roofplane and reduces the effect.

13 Bahram Road:

The inspector supported the council in refusing the application on the grounds that the proposed crossover would harm the character and appearance of the open space.