

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Wednesday 13 February 2019 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 Mike Teasdale  
Councillor Tella Wormington

Yours sincerely

Chief Executive

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

## AGENDA

### 1. DECLARATIONS OF INTEREST

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

**2. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 14)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 17 January 2019 (attached) and authorise the Chairman to sign them.

**3. WOODCOTE GROVE, ASHLEY ROAD, EPSOM, SURREY, KT18 5BW - PLANNING APPLICATION 18/0100/REM (Pages 15 - 38)**

Variation of Condition 27 (Approved Drawings) of Planning Permission 14/01150/FUL, as varied by Planning Permission 15/01907/REM and Planning Permission 16/01591/REM, to enable a final Plant solution to be implemented.

**4. DEVELOPMENT AT 1-3 CHASE ROAD EPSOM KT19 8TL - PLANNING APPLICATION 18/01202/REM (Pages 39 - 64)**

Variation of Condition 4 (Contaminated Land) of planning permission 15/01530/FUL to permit the verification report to be completed pre-occupation rather than pre-commencement.

**5. DEVELOPMENT SITE AT 65 LONDON ROAD EWELL SURREY - PLANNING APPLICATION 18/00573/FUL (Pages 65 - 102)**

Development of a Supermarket, together with associated parking, access servicing and landscaping.

**6. DEVELOPMENT SITE AT OLD SALESIANS GROUND, OLD SCHOOLS LANE, EWELL - PLANNING APPLICATION 18/01082/S106A (Pages 103 - 114)**

Amendment to the S106 Agreement, Planning Permission 15/00845/FUL. The amendments sought includes removing the requirement to provide pavilion foundations and amending the layout of the affordable housing units within the scheme.

**7. BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD - PLANNING APPLICATION 18/01247/LBA (Pages 115 - 124)**

Application for Listed Building Consent to replace 6 internal doors at the Grade II Listed Building Bourne Hall.

**8. FIVE YEAR HOUSING LAND SUPPLY STATEMENT (Pages 125 - 126)**

Following a recommendation from the Licensing and Planning Policy Committee, Members are asked to note the five year housing supply position.

**9. MONTHLY REPORT ON PLANNING APPEAL DECISIONS (Pages 127 - 128)**

The Committee is asked to note the appeal decisions from 21 December to 30 January 2019.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 17 January 2019**

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**PRESENT -**

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

Absent: Councillor Lucie Dallen

Officers present: Ruth Ormella (Head of Planning), Martin Holley (Planning Development Manager), John Robinson (Senior Planner), Danny Surowiak (Principal Solicitor) and Fiona Cotter (Democratic Services Manager)

**43 DECLARATIONS OF INTEREST**

No declarations of interests were made by councillors regarding items on the Agenda.

**44 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting of the Planning Committee held on 13 December were agreed as a true record and signed by the Chairman.

**45 BRADFORD HOUSE 39A EAST STREET EPSOM KT17 1BL - PLANNING APPLICATION 18/01010/REM**

***Description***

Variation of Condition 19 ( Approved drawings) of planning permission 17/01755/FUL to permit amendments to the design which affect the plan layouts of the basement and ground floors, the external materials on the northwest (right) and southwest (left) elevations, and the heights of the parapets.

***Decision***

Part A

Subject to a new legal agreement (under the same terms as the extant agreement) being completed and signed to secure the following heads of terms:

- A Travel Plan Monitoring Fee

The Committee authorise the Head of Planning to **GRANT** planning permission subject to the conditions detailed below.

### Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 4 March 2019, the Head of Planning be authorised to refuse the application for the following reason:

- In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has failed to comply with Policy CS5 of the Core strategy 2007

### Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the 18 September 2018, the date of the originally approved application 17/01755/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) **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**

- (3) **No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years 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.**

- (4) 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 renewable 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.

- (5) The student accommodation hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (6) Prior to the first occupation of the student accommodation, a plan for the management of student arrivals and departures at the start and end of term shall be submitted and approved in writing by the Local Planning Authority. This plan shall confirm that on weekdays and weekends, no students shall be permitted to load and unload from the four, designated, parking bays on-site without the prior arrangement of the site management. There is to be no parking outside of these designated bays for student loading/unloading.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (7) Details of a waste management plan, incorporating provision for refuse storage and recycling facilities on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The refuse storage and recycling facilities shall be provided prior to the first occupation. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority .

**Reason:** In order that the development should take into account the need to minimise the dispersal of waste and facilitates the collection of recyclable waste in accordance with the provisions of Policy CS6 of the Epsom and Ewell Adopted Core Strategy 2007.

- (8) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any development on site, in accordance with current best practice guidance:

- (a) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (b) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

**Reason:** To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM7 of the Development Management Policies 2015.

- (9) The upper floors of Bradford House (and the ground floor area, (shown as student accommodation on Drawing No BH307-1/031/J), shall be used for student accommodation only and for no other purpose (including any other purpose within Use Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**Reason:** To ensure a satisfactory form of use of the premises as required by Policy DM10 of the Development Management Policies 2015.

- (10) Notwithstanding the available permitted development rights under Class N of the GPDO 2013, the ground floor at Bradford House (denoted as “Commercial Area” on Drawing No BH307-1/031/J) shall be used for B1 (Office Use) only and for no other purpose (including any other purpose within Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**Reason:** To ensure a satisfactory form of use of the premises as required by Policy DM25 of the Development Management Policies Document 2015.

- (11) The development hereby approved shall not be first occupied unless and until the proposed vehicular/pedestrian/cycle/modified access to East Street has been constructed in accordance with the approved plans.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (12) The development hereby approved shall not be first commenced until a scheme detailing the location and operation of the access control mechanism has been submitted to and approved in writing by the Local Planning Authority and thereafter the access control with approved access visibility zones, and access ramp shall be kept permanently clear of any obstruction.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (13) The development hereby approved shall not be first occupied unless and until the existing accesses from the site to East Street as shown on the drawings have been permanently closed and any kerbs, verge, footway, fully reinstated.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (14) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in for a maximum of 7 cars and 1 disabled space and a minimum of 52 bicycles to be parked securely in accordance with the approved plans for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (15) No development shall commence until a Construction Transport Management Plan, to include details of:-
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials

- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation, will not occur between the hours of 0730-0900 and 1630-1800.
- (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 - see condition one.

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 as required by policy CS16 of the Core Strategy 2007

- (16) The development hereby approved shall not be first occupied until the following facilities have been provided in accordance with the approved plans and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site,
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower,
- (c) Facilities within the development site for cyclists to store cyclist equipment,
- (d) Installation of a fast charge point, for electric vehicle charging

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

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

- (17) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:



- (a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum discharge rate of 1in1yr 2.6 litres/sec, 1 in 30yr 3.5 litres/sec and 1 in 100 year 4litres/sec utilising a blue roof system (as per the SuDS pro-forma or otherwise as agreed by the LPA).
- (b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- (c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- (d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- (e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

- (18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

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

**011/D Proposed Site OS and Site Block Plan**

**012/F Site Landscape Context Plan**

**BH307-1/210/H Basement**

**BH307-1 211\_G Ground Floor GA**

**032/F First and Second Floor GA**

**033/F Third and Fourth Floor GA**

**034/F Fifth Floor and Roof GA**

**086/C Proposed North View**

**085/C Proposed North West Bird's Eye View**

**084/C Proposed View Along East Street to New Building**

**083/C Proposed South East View from West Street**

**082/C Proposed South West View from East Street**

**081/C Proposed North East Bird's Eye View**

**072/E Rendered Elevations Proposed**

**BH307-1 410\_B Front (SE) Elevation**

**BH307-1 411\_B Right (NE) Elevation**

**BH307-1 412\_B Left (SW) Elevation**

**BH307-1 413\_B Rear (NW) Elevation**

**051/F Proposed Section AA**

**052/F Proposed Section BB**

**053/F Proposed Section CC and DD**

**BH307-1 415 Front and Rear Street Elevations**

**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).

- (20)** Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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:** Submission of a scheme prior to commencement will ensure that the development accords with the Development

**Management Policies Document 2015 Policy DM10. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.**

- (21) The occupancy of the accommodation hereby permitted shall be limited to full time university/college students who are enrolled on an educational course within Epsom.**

**Reason: The development is designed for a type of accommodation that is considered to be sui generis and would not be satisfactory for other residential uses.**

- (22) All Demolition and or building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, shall only take place between the hours of 09.00 and 16.30 Monday to Friday, and between 08.00 and 13.00 on Saturdays and not at all on Sundays and Bank Holidays/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.**

- (23) Student Management;**

**Before the development commences, a Student Management Plan 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. The Plan shall include the following:**

- (a) Details of how the student accommodation will operate.**
- (b) Measures that will be taken to reduce the incidences of anti-social behaviour.**
- (c) Measures that will be taken to reprimand students who behave in an antisocial way.**
- (d) Arrangements for the management of traffic/parking at the beginning and end of term.**
- (e) Daily arrangements to control access and egress of pedestrians, cyclists and vehicular traffic or measures to generally regulate the use of vehicles.**
- (f) Details of CCTV monitoring arrangements within the site (including monitoring of site entrances).**
- (g) Details of wardening/security presence.**

- (h) Arrangements for the creation of a 24 hour contact telephone number so that residents can contact the halls of residence if they have any matters they wish to be brought to the university's attention.
- (i) Increased signage in the locality - requesting that users of the street do not disrupt the peace of the neighbourhood.
- (j) Details of what measures will be put in place to discourage those students, who may own a car, from parking on surrounding roads.

**Reason:** To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments) of the LDF Development Management Policies Document (October 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 12 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.

The applicant is advised that this standard can be achieved through either:

- (a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
- (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (3) If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).

46 ALDI 379-393 KINGSTON ROAD EWELL KT19 0BS - PLANNING APPLICATION 18/01018/REM

***Description***

Variation of Condition 11 (Delivery hours) of planning permission 13/00520/FUL to allow delivery hours to be between 06:00-21:00 on Monday's to Saturday's and between 08:00-21:00 on Sundays and Bank Holidays

**This application was withdrawn.**

**47 MONTHLY REPORT ON PLANNING APPEAL DECISIONS**

Recent appeal decisions were noted.

*The meeting began at 7.30 pm and ended at 7.56 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

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## Woodcote Grove, Ashley Road, Epsom, Surrey, KT18 5BW

<b>Ward:</b>	<b>Woodcote Ward;</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

### 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PGFA82GYL5S00>

### 2 Summary

- 2.1 This application seeks to vary Condition 27 (Approved Drawings) of the approved Planning Permission 16/01591/REM, (Variation of Condition 27 of planning application reference: 14/01150/FUL and 15/01097/REM to enable the erection of a fixed guard railing to the main office building), approved on the 28<sup>th</sup> April 2017, to enable the final roof top plant sizes and positions to be implemented along with an addition to the acoustic louvre heights, additional flues, access ladders and stairs.
- 2.2 The proposed changes are accepted as minor material amendments to the original Planning Permission (14/01150/FUL). It is therefore considered that a variation of Condition 27 (Approved Drawings) of Planning Permission 16/01591/REM under Section 73 of the Town and Country Planning Act 1990, to amend the proposed drawings, should be granted Planning Permission, subject to Conditions.

### 3 Site description

- 3.1 The Application Site comprises office development and is primarily accessed from Ashley Road. The overall site measures approximately 3.36 hectares and is bound by residential development to the North and West, St Martin's School to the North East and mature woodland to the South East.
- 3.2 The Site is in close proximity to Woodcote Grove, which is a Grade II\* Listed Building. It is also within the Chalk Lane Conservation Area.

- 3.3 Planning permission was granted for the demolition of three existing blocks and erection of a new office building with associated revised access and parking on 26 January 2015, under reference: 14/01150/FUL.
- 3.4 Planning Permission was granted to vary Conditions 2 (Phasing), 5 (Materials), 9 (Construction Traffic Management Plan) and 13 (Soft Landscaping) of Planning Permission 14/01150/FUL. Changes to the wording of the Conditions were required to revise the overall phasing of the development and to allow for some conditions to be discharged in a phased manner. The permission was granted on 14 December 2015, under reference 15/01097/REM.
- 3.5 Planning Permission was subsequently granted to vary Condition 27 of Planning Permission 14/01150/FUL, as varied by ref: 15/01097/REM to enable the erection of a fixed guard railing to the main office building on 28 April 2017, under reference: 16/01591/REM.
- 3.6 Development has commenced on Site and 'Atkins Global' intend to occupy the approved office development in 2019.

#### 4 Proposal

- 4.1 Planning Permission was granted on 26 January 2015 under reference 14/01150/FUL for the demolition of three existing blocks and the erection of a new office building, with associated revised access and parking. The formal description of development is as follows:

*“Proposed new office building (Use Class B1) of 9,924m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site”*
- 4.2 Planning Permission was granted to vary Conditions 2 (Phasing), 5 (Materials), 9 (Construction Traffic Management Plan) and 13 (Soft Landscaping) of Planning Permission 14/01150/FUL. Changes to the wording of the Conditions were required to revise the overall phasing of the development and to allow for some conditions to be discharged in a phased manner. The permission was granted on 14 December 2015, under reference 15/01097/REM.
- 4.3 Planning Permission was subsequently granted to vary Condition 27 of Planning Permission 14/01150/FUL, as varied by ref: 15/01097/REM to enable the erection of a fixed guard railing to the main office building on 28 April 2017, under reference: 16/01591/REM.
- 4.4 This application seeks to vary Condition 27 (Approved Drawings) of Planning Permission 14/01150/FUL, as varied by Planning Permission 15/01097/REM and Planning Permission 16/01591/REM, to enable the final roof top plant sizes and positions to be implemented along with an addition to the acoustic louvre heights, additional flues, access ladders and stairs.



4.5 The originally approved Planning Application documentation did not reflect the full extent of Plant and access requirements at roof level. This is now known and therefore this application seeks various alterations at roof level, to allow for the implementation of the final Plant solution, including:

- final plant sizes, duct runs, equipment positions and riser housings
- Increased heights of acoustic louvres (450mm addition)
- Addition of flues
- Addition of gantries and access stairs, to enable safe egress
- Addition of a cat ladder.

4.6 The below table sets out the drawings as currently approved and those proposed as part of this application:

Drawing Name	Drawings submitted with Application Ref: 16/01591/REM	Proposed Drawing No.
North and South Elevations	SC-ZZ-DR-A-A02101 Rev C02 (Approved under app ref: 16/01591/REM)	SC-ZZ-DR-A-A02101 Rev C04
East and West Elevations	SC-ZZ-DR-A-A02102 Rev C02 (Approved under app ref: 16/01591/REM)	SC-ZZ-DR-A-A02102 Rev C03
Third Floor Plan	ATK-00-03-DR-A-1013 Rev P2 is a Proposed Third Floor Plan.	SC-RF-DR-A-A01106 Level RF GA Plan Rev C07
Roof Plan	WCG-NMA-SC-RF-DR-A-A34300 Rev C01	

## 5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 22 neighbouring properties. To date (01/02.2019) 0 letters of objection have been received. The application was also advertised by Site Notice and within the Local Paper.

**6 Consultations**

- 6.1 Environmental Health: No objection as applicants have confirmed the proposed plant will not exceed the limits as required by the Noise Impact Assessment dated October 2014, that accompanied application ref: 14/01150/FUL

**7 Relevant planning history**

- 7.1 The Site is subject to an extensive planning history. The below sets out the recent and relevant applications pertaining to the Application Site.

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
18/01069/NMA	15.11.2018	Proposed Non-Material Amendment to planning permission: 14/01150/FUL to allow for the retention of an existing access road to safeguard future development of the Southern plot	Granted
18/00649/COND	26.09.2018	Details pursuant to Condition 6 (details of the appearance and materials of the permitted sports and garden equipment store) of planning permission 14/01150/FUL	Granted
17/00362/COND	31.07.2018	Approval of details relating to Condition 28 (details of the boundary treatment) of planning application 14/01150/FUL (Proposed new office building (use class B1) of 9924m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site.)	Granted
15/01481/COND	06.04.2018	Discharge of Conditions 21 (Contamination), 22 (Contaminated land verification report), 24 (Surface water drainage) and 25 (Piling) of planning permission 15/01097/REM (Proposed new office building (use class B1) of 9924sq.m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site).	Granted
15/01392/COND	18.03.2018	Discharge of Conditions 5 (Details of materials) (part discharge for Phase 2 car park), 12 (Works within RPAs), 13	Granted

Application number	Decision date	Application detail	Decision
		(Soft landscaping), 14 (AMS and TPP) and 15 (Translocation of common Lime tree) of planning permission 15/01097/REM (Proposed new office building (use class B1) of 9924sq.m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site).	
16/01759/FUL	07.06.2017	Erection of a sample section of the proposed elevation of the office building subject of planning permission 14/01150/FUL	Granted
16/01707/COND	23.05.2017	Approval of details relating to condition 5 (samples of materials) and condition 9 (transport construction method statement) of planning permission reference 14/01150/FUL which granted consent for a new office building - application amended 23/05/17 to remove condition 28	Granted
16/01591/REM	28.04.2017	Variation of Condition 27 of planning application reference: 14/01150/FUL and 15/01097/REM to enable the erection of a fixed guard railing to the main office building	Granted
16/01508/NMA	04.04.2017	Non-material amendment to 14/01150/FUL (Proposed new office building (use class B1) with associated revised access and parking) and 15/01097/REM (Variation of Conditions of planning permission 14/01150/FUL) to amend the height of the car park lighting columns to match the installed height and to reduce the height and amend	Granted

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
		the design of 4 lighting columns adjacent to the boundary wall.	
16/00918/NMA	12.10.2016	Non material minor amendment to planning permission 14/01150/FUL to permit a change to the north facing elevation of the proposed building comprising the swapping of louvred panels with glazed panels and vice versa	Granted
16/00882/NMA	10.10.2016	Non-material Amendment to 15/01097/REM Variation of Conditions 2 (Phasing), 5 (Materials), 9 (Construction traffic management plan) and 13 (Soft landscaping) of planning permission 14/01150/FUL for Proposed new office building (use class B1) of 9924sq.m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site) for electricity substation alterations	Granted
15/01490/COND	11.02.2016	Discharge of Condition 9 (Construction Traffic Management Plan) of planning permission 15/01097/REM (Proposed new office building (use class B1) of 9924sq.m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site)	Granted
15/01329/COND	04.01.2016	Discharge of Condition 20 (Archaeology) of planning permission 14/01150/FUL (Proposed new office building (use class B1) of 9924sq.m GIA with associated revised access and parking, demolition of existing blocks A, B and C	Granted

Application number	Decision date	Application detail	Decision
		with the reinstatement of land and landscaping of site)	
15/01097/REM	14.12.2015	Variation of Conditions 2 (Phasing), 5 (Materials), 9 (Construction traffic management plan) and 13 (Soft landscaping) of planning permission 14/01150/FUL. Changes to the wording of the conditions is required to revise the overall phasing of the development and to allow some conditions to be discharged in a phased manner	Granted
15/01161/NMA	27.11.2015	Non-material amendment to planning permission 14/01150/FUL (Proposed new office building (use class B1) of 9924sqm GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site) to allow minor changes to the north facing ground floor elevation comprises replacement of part of the approved louvres with full height curtain wall glazing and the creation of a basement area, alteration to the entrance elevation roof and roof parapet and fascia	Granted
14/01150/FUL	26.01.2015	Proposed new office building (use class B1) of 9924m GIA with associated revised access and parking, demolition of existing blocks A, B and C with the reinstatement of land and landscaping of site	Granted

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2012

Chapter 12

Achieving well-designed places

Chapter 16

Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS5	Built Environment
Policy CS6	Sustainability in New Developments

Development Management Policies Submission Document November 2014

Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for new developments

**9 Planning considerations**

Noise

- 9.1 Paragraph 170 of the NPPF sets out that planning decision should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 9.2 Paragraph 180 sets out that planning decision should ensure that new development is appropriate for its location. Decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.
- 9.3 Policy CS6 sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development minimise the emission of pollutants, including noise pollution.
- 9.4 Policy DM10 sets out development proposals should have regard to the amenities of occupants and neighbours, including in terms of noise and disturbance.
- 9.5 A Noise Impact Assessment, dated October 2014, was submitted with the original application, under ref: 14/01150/FUL. This informs the design team of the required noise limits of Plant within the development, with a target of exceeding the BREEAM requirements regarding noise impact to local receptors. In order to achieve a desirable level difference of 10dB below background noise, sound pressures of building Plant measure at 1 metre from the façade should not exceed 66dBA LAeq,T. The proposed plant does not exceed these limits and is there for considered to be acceptable in this regard.

Design and Heritage

- 9.6 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.

- 9.7 Paragraph 127 of the NPPF 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, 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.
- 9.8 Paragraph 184 of the NPPF set out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 9.9 Paragraph 190 of the NPPF sets out that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 9.10 Paragraph 193 sets out that then considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.11 Policy CS5 sets out that the Council will protect and seek to enhance the borough's heritage assets, including historic buildings. High quality and inclusive design will be required for all developments.
- 9.12 Policy DM10 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.
- 9.13 Policy DM8 sets out that the Council will resist the loss of Heritage Assets and every opportunity to conserve and enhance them should be taken by new development. Development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into when determining whether the impact of any proposed development is acceptable.
- 9.14 A proposed roof plan has been submitted with this application (WCG-NMA-SC-RF-DR-A-A01106 Rev C07). This sets out the final configuration of the plant and circulation at roof level. The proposed plant will be contained within a 2 metre screen, which will provide visual enclosure of the plant.



- 9.15 The accompanying Design and Access Statement sets out that the original application drawings and documentation did not reflect the full extent of services and access requirements required to maintain the plant at roof level. In order to comply with the requirements of both approved documents Part K (Protection from falling, collision and impact) and Part B (Fire Safety and Means of Escape) and Construction Design and Management Regulations 2015, a safe method of circulation has been designed to ensure that operatives carrying out maintenance work at roof level can access all areas as necessary. The access is required to ensure that any exposure to risks of injury, such as trip hazards and head impact, is minimised. It also allows for quick egress in the event of an emergency.
- 9.16 The proposed development occurs within the curtilage of Woodcote Grove, a Grade II\* listed Mansion House and is also within the boundaries of the Chalk Lane Conservation Area. The development is sited a significant distance away from the listed building, while not causing an intrusion into conservation area views. The plant will be effectively screened and is not considered to impact the nearby heritage asset.
- 9.17 In summary, the plant and proposed circulation space has been designed to accord with relevant regulations. It will ensure a safe method of circulation for operatives carrying out maintenance work. The plant and proposed circulation will be contained with a 2 metres plant screen, which will provide visual enclosure. As such, the proposal is considered to comply with Policies CS5, DM8, DM9 and DM10 of the Development Management Policies Document (2015).

#### Impact on Visual Amenity

- 9.18 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the Council will consider (inter alia) compatibility with local character and the relationship to the existing townscape and wider landscape, the surrounding historic environment and the setting of the proposed site and its connection to its surroundings.
- 9.19 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character of an area include (inter alia) roof forms. Development proposals should (inter alia) incorporate principles of safe design and have regard to amenities of occupants and neighbours.
- 9.20 The location and design of the new building was informed by the character and constraints of the area and principles of sustainable construction. The approved building is sizeable in both footprint and mass, but is located within a sizeable plot and given the boundary treatment, is not an overly prominent feature within the street scene.

- 9.21 A proposed roof plan has been submitted with this application (WCG-NMA-SC-RF-DR-A-A01106 Rev C07). This sets out a final configuration of plant and circulation at roof level. The proposed plant will be contained within a 2 metre plant screen, which will provide visual enclosure. Given that the plant will be visually enclosed and that the building is located within a sizeable plot with boundary treatment, it is not considered to adversely impact the visual amenity of the area. The proposal is therefore considered to comply with Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 9.22 In summary, given that the plant and circulation will be enclosed by a 2 metre screen and given the location of the building within the site, it is considered that the proposal will have no harmful impact on the visual amenity of the wider area, in conformity with Policies DM9 and DM10 of the Development Management Policies Document (2015).

#### Neighbour Amenity

- 9.23 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the Council will consider (inter alia) compatibility with local character and the relationship to the existing townscape and wider landscape, the surrounding historic environment and the setting of the proposed site and its connection to its surroundings.
- 9.24 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) have regard to the amenity of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.25 A proposed roof plan has been submitted with this application (WCG-NMA-SC-RF-DR-A-A01106 Rev C07). This sets out the final configuration of the plant and circulation at roof level. The proposed plant will be contained within a 2 metre plant screen, which will provide visual screening.
- 9.26 The office building is located within a sizeable plot, with boundary treatment. The nearest residential properties are located on Worple Road and Chalk Lane, with a significant separation distance, ensuring residents retain their privacy. The proposed plant and circulation space is not considered to adversely impact the residential amenity enjoyed at these neighbouring properties, in conformity with Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 9.27 In summary, the proposed plant and circulation space at roof level is not considered to adversely impact the residential amenity enjoyed at nearby residential properties, in conformity with Policies DM9 and DM10 of the Development Management Policies Document (2015).

Community Infrastructure Levy

9.28 The proposal would not be CIL liable.

## 10 Conclusion

10.1 The proposed changes are accepted as minor material amendments to the original Planning Permission. It is therefore considered that a variation of Condition 27 (Approved Drawings) of Planning Permission 16/01591/REM, a variation of 15/01097/REM which itself varied the original 14/01150/FUL under Section 73 of the Town and Country Planning Act 1990, to amend the proposed drawings, should be granted Planning Permission, subject to Conditions. All of the original conditions imposed will be carried across to this application.

## 11 Recommendation

11.1 Grant Planning Permission, subject to the Conditions detailed below:

**Conditions:**

**(1) The development hereby permitted shall be commenced within 3 years from the 26<sup>th</sup> January 2018, the date of the approved application 16/01591/REM that is subject to this variation.**

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

**(2) The development hereby permitted shall proceed in accordance with the approved phasing plan Drawing Numbers L(00)101 Rev H, L(00)102 Rev J, L(00)103 Rev J and L(00)104 Rev G and any variation shall be agreed in writing with the local planning authority.**

**Reason: To safeguard the visual and residential amenities of the locality and to safeguard highway safety in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM10 and DM35 of the Development Management Policies Document (2015).**

**(3) The existing office blocks shall be demolished and resultant material removed from the site within 6 months of first occupation of new building and the grass bank and soft landscaping shall be reinstated in accordance with the Landscape Masterplan Drawing Number WDGR-ATK-XX-XX-SK-A-0001 (dated 2014-12-19).**

**Reason: To ensure the development does not have any adverse impact on visual amenity or the setting of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies Document (2015).**

- (4) No more than 890 staff shall occupy the site at any one time until the new car park is laid out and operational in accordance with the approved plans.  
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 as required by Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies Document (2015).
- (5) Prior to the commencement of development of the relevant phase of development as agreed with the local planning authority under Condition 2 (other than groundworks and access construction), details and samples of the materials to be used for the external surfaces within that phase of the development hereby permitted 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. – part discharged for Phase 2 on 18.03.2018, under ref: 15/01392/COND and full discharged on 23.05.2017 under ref: 16/01707/COND.  
Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).
- (6) Prior to their installation on site, details of the appearance and materials of the permitted sports and garden equipment stores shall be submitted to and approved in writing with the local planning authority. The development shall be carried out in accordance with the approved details – discharged 26.09.2018, under ref: 18/00649/COND  
Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).
- (7) The development hereby approved shall not be first occupied until the proposed vehicular / pedestrian / cycle / modified access to Ashley Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.  
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 as required by Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies Document (2015).
- (8) The development hereby approved shall not be first occupied unless space has been laid out within the site in accordance with the approved plans for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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 as required by Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies Document (2015).

- (9) Prior to the commencement of the relevant phase of development as agreed with the local planning authority under Condition 2, a Construction Transport Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - (j) HGV movements to or from the site shall only take place between the hours of 07:30 and 08:30; 09:15 and 15.15; 16.00 and 18:30 Monday to Friday, 08:00 and 13:00 Saturdays and at no time on Sundays or Bank/Public Holidays. The contractor shall not permit any HGVs associated with the development at the site to be laid up, waiting, in Worple Road, Ashley Road, Chalk Lane, Avenue Road during these times
  - (k) on-site turning for construction vehicles
  - (l) details of all temporary accommodation works including temporary roads, car park, offices
- Only the approved details shall be implemented during the construction of the development. – discharged 11.02.2016, under ref: 15/01490/COND

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 and to safeguard visual amenity as required by Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies Document (2015).

- (10) The development hereby approved shall not be first occupied until the following facilities have been provided in accordance with the approved plans for:
- (a) The secure parking of bicycles within the development site

- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower**
- (c) Facilities within the development site for cyclists to store cyclist equipment**
- (d) Providing safe routes for pedestrians / cyclists to travel between Ashley Road and the development site**
- (e) If the existing bus stop on Ashley Road, opposite the new access, is to be moved, the new arrangements should include new post and flag with kerb works as necessary**
- (f) Information to be provided to staff / visitors regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the local planning authority.**

**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 as required by Policy CS16 of the Core Strategy (2007) and Policies DM35, DM36 and DM37 of the Development Management Policies Document (2015).**

- (11) Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted for the written approval of the local planning authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented on first occupation of the new development and for each and every subsequent occupation of the development, and the Travel Plan should thereafter maintained and developed to the satisfaction of the local planning authority.**

**Reason: To promote sustainable means of travel and 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 as required by Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM36 of the Development Management Policies Document (2015).**

- (12) Prior to the commencement of any development on site and notwithstanding the details proposed on Drawing Number WDGR-ATK-XX-XX-SK-A-0001 and within the Landscape Statement, details of the construction methods, hard landscaping proposals and servicing within the root protection areas of the existing lime trees to be retained in situ shall be submitted to and approved in writing with the local planning authority. The development shall strictly accord with the approved details in perpetuity. – discharged 18.02.2018 under ref: 15/01392/COND**

**Reason: To ensure the protection of and maintenance of existing trees and landscaping in the interests of visual amenity in accordance with Policies CS1, CS3 and CS5 of the Core Strategy (2007) and Policy DM5 of the Development Management Policies Document (2015)**

- (13) **Prior to the commencement of the relevant phase of development as agreed with the local planning authority under Condition 2 and notwithstanding the details proposed on Drawing Number WDGR-ATK-XX-XX-SK-A-0001 and within the Landscape Statement, details of the soft landscaping for the relevant phase site paying particular attention around the access and the car park and land to the south east of the Mansion House, shall be submitted to and approved in writing with the local planning authority. Such details shall include species of trees which should be of a semi-mature stock and capable of medium forest sized proportions.**

**Consideration should be given to the provision of further ecology enhancements measures including the provision of a wildlife pond. Thereafter, the landscaped areas shall be provided in accordance with the approved details and shall be retained, cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced, within the next planting or seeding season, as per the original landscaping scheme unless otherwise agreed in writing by the local planning authority. - discharged 18.02.2018 under ref: 15/01392/COND**

**Reason: To ensure the provision and maintenance of landscaping in the interests of amenity and biodiversity in accordance with Policies CS1, CS3 and CS5 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies Document (2015)**

- (14) **Prior to the commencement of development, a detailed arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. This statement shall provide details of the construction method for the south west wing of the building to demonstrate that the development will not harm the health of the lime tree (labelled 0806 on Drawing Number 5116362/DG/ARB/002). The development works shall be carried out in strict accordance with the agreed Arboricultural Method Statement and Tree Protection Plan. - discharged 18.02.2018 under ref: 15/01392/COND**

**Reason: To ensure satisfactory protection of trees in the interest of amenity and environmental protection in accordance with Policies CS1, CS3 and CS5 of the Core Strategy (2007), Policies DM5, DM8 and DM9 of the Development Management Policies Document (2015)**

- (15) **The Common Lime Tree (labelled 0809 on Drawing Number 5116362/DG/ARB/002) shall be translocated within site, details which shall be submitted to and approved in writing by the local planning**

authority. Details shall include proposed location and method of removal/relocation. The tree shall be translocated within the next planting season after the date of this permission or in accordance with the approved methodology. Thereafter, the tree shall be retained, protected and maintained for a period of 5 years from the date of translocation. - discharged 18.02.2018 under ref: 15/01392/COND

Reason: To ensure satisfactory protection of trees in the interest of amenity and environmental protection in accordance with Policies CS1, CS3 and CS5 of the Core Strategy (2007), Policies DM5, DM8 and DM9 of the Development Management Policies Document (2015)

- (16) No works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall be carried out in such a manner as to be audible at the site boundary before the hours of 0730 and after 1830 Mondays to Fridays, before 0800 and after 1300 Saturdays and at no time on Sundays or Bank/Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015)

- (17) The development shall be implemented strictly in accordance with the lighting proposals outlined in the External Lighting Strategy and Obtrusive Light Statement.

Reason: To safeguard the visual and residential amenities of the locality in accordance with Policy DM10 of the Development Management Policies Document (2015)

- (18) 18. The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in Section 4 of Ecological Impact Assessment, dated October 2014.

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

- (19) The development shall be constructed in accordance with the measures outlined in Energy and Sustainability Statement, dated October 2014.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007)

- (20) 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 local planning authority. – discharged 04.01.2016, under ref: 15/01329/COND



**Reason:** The site is of high 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)

- (21) Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- (a) A preliminary risk assessment which has identified;
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  - (b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (c) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. – discharged 06.04.2018, under ref: 15/01481/COND

**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 Document (2015)

- (22) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and

**maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. - discharged 06.04.2018, under ref: 15/01481/COND**

**Reason: To ensure the development does not impact on local underground infrastructure or harm the future occupants of the site in accordance with Policy CS6 of the Core Strategy (2007) and Policy DM17 of the Development Management Policies Document (2015)**

- (23) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.**

**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 Document (2015)**

- (24) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. - discharged 06.04.2018, under ref: 15/01481/COND**

**Reason: To ensure the development does not impact on local underground infrastructure or harm the future occupants of the site in accordance with CS6 of the Core Strategy (2007) and Policy DM17 of the Development Management Policies Document (2015)**

- (25) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. - discharged 06.04.2018, under ref: 15/01481/COND**

**Reason: To ensure the development does not impact on local underground infrastructure or harm the future occupants of the site in accordance with CS6 of the Core Strategy (2007) and Policy DM17 of the Development Management Policies Document (2015)**

- (26) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA/Drainage Strategy produced by Atkins dated October 2014 reference no. WDGR-ATK-XX-XX-REP-Y-9090.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007)

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

- WCG-NMA-SW-ZZ-DR-A-A00000 Location Plan (Rev C01)
- WCG-NMA-SC-ZZ-DR-A-A02101 North & South Elevations (Rev C04)
- WCG-NMA-SC-ZZ-DR-A-A02102 East & West Elevations (Rev C03)
- WCG-NMA-SC-RF-DR-A-A34300 Level RF GA Plan (Rev C07)
- WCG-NMA-BF-R1-DR-A-A34301 Roof Fall Protection Details (Rev C01)
- WDGR-ATK-00-ZZ-DR-A-1012-P3
- WDGR-ATK-00-ZZ-DR-A-1201-P2
- WDGR-ATK-00-ZZ-DR-A-1202-P1
- WDGR-ATK-00-ZZ-DR-A-1203-P1
- WDGR-ATK-00-ZZ-DR-A-1401-P1
- WDGR-ATK-00-ZZ-DR-A-1402-P1
- WDGR-ATK-00-ZZ-DR-A-1404-P1
- WDGR-ATK-00-ZZ-DR-A-6001-P1
- WDGR-ATK-00-ZZ-DR-A-8002-P1
- WDGR-ATK-00-ZZ-DR-A-1000-P2
- WDGR-ATK-XX-XX-SK-A-0001
- L (01)101\_Cat B - Proposed Ground Floor GA Plan
- WCG-MLM-SW-ZZ-DR-E-A15000-P02
- Pole top luminaire product data sheet BEGA 7185.
- WCG-NMA-BF-ZZ-DR-A-A90002 Rev P07.
- 586045-MLM-ZZ-XX-RP-U-0001-REV00-WoodcoteGrove-BSNoiseAssessment

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

- (28) Prior to the first occupation of the development hereby permitted, details of boundary treatment to the north west side of the access road between the site and adjacent school shall be submitted to and approved in writing with the local planning authority and the approved treatment installed on site prior to the first occupation of the development hereby approved. – discharged 31.07.2018, under ref: 17/00362/COND

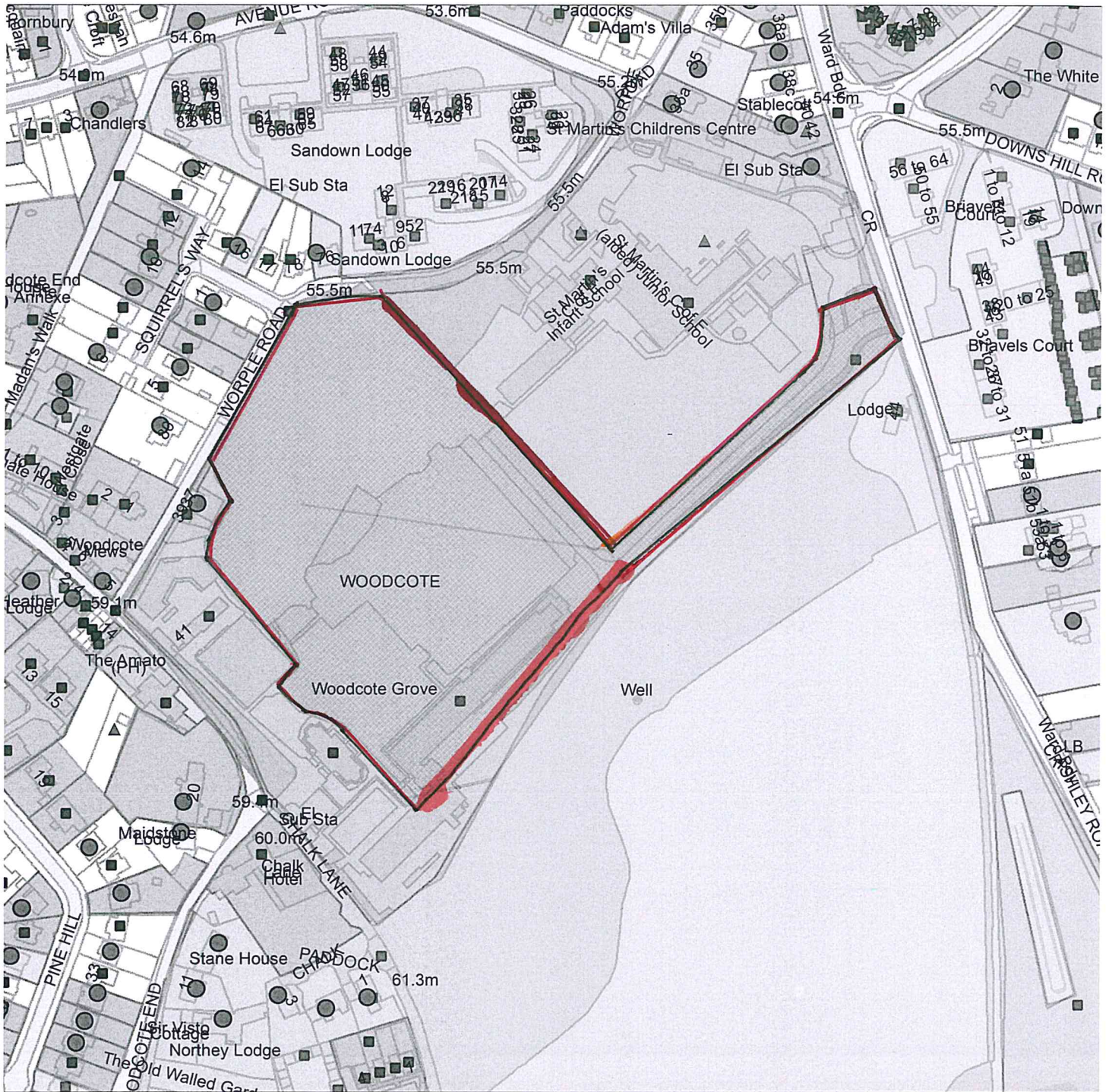
Reason: To ensure an appropriate form of boundary treatment is provided between the site and the school in accordance with Policy DM10 of the Development Management Policies Document (2015)

### Informatives

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) An appropriate agreement should be secured with Surrey County Council Highway Authority prior to the construction of the new entrance to Woodcote Grove and alterations to the existing access to maintain a separate access to St Martin's School, with all associated works to the public highway including footways, lining and signing. 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. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
- (3) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (4) If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).
- (5) The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds. Any works to trees should take place outside of the bird breeding season and if this is not possible an inspection for breeding birds should be carried out by a qualified ecologist no more than 24 hours prior to any works taking place.



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Scale : 1:2653

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<b>Organisation</b>	Epsom and Ewell Borough Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	04 February 2019
<b>SLA Number</b>	100023771

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## Development at 1-3 Chase Road Epsom KT19 8TL

Variation of Condition 4 (Contaminated Land) of planning permission 15/01530/FUL to permit the verification report to be completed pre-occupation rather than pre-commencement.

<b>Ward:</b>	<b>Town Ward;</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PIJWIMGYLHV00>

### 2 Summary

- 2.1 This application seeks the variation of Condition 4 (Contaminated Land) of planning application 15/01530/FUL, granted on appeal by the planning 03/07/2017 to allow the verification report to be completed at the pre-occupation stage instead of the pre-commencement.
- 2.2 The variation of the condition would not result in the development posing unacceptable risks to workers, neighbours and other offsite receptors, contrary to Policy DM17 of Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for APPROVAL subject to conditions**

### 3 Site description

- 3.1 The site is located on the south side of Chase Road, and is bounded by the Epsom - Ewell West railway embankment to the east, and the rear gardens of properties fronting Chase Road and Chase End to the west and south west respectively.
- 3.2 The surrounding area is predominantly residential, the immediate area characterised by inter-war period semi-detached houses, with rendered elevations under hipped tile roofs, of similar scale and appearance.

- 3.3 Planning permission (15/01530/FUL) for the demolition of existing buildings on site to allow for the redevelopment of 2 three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works was granted on appeal by the planning inspectorate on 3 July 2017
- 3.4 The scheme is currently under construction.

#### 4 Proposal

- 4.1 The application seeks the variation of Condition 4 (Contaminated Land). The original condition was worded as follows:

- (4) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1.1 to 1.5 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 1.4 has been complied with in relation to that contamination.**

##### 1.1 Site Characterisation

**An intrusive ground investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

**(i) a survey of the extent, scale and nature of contamination including any ground gas and volatile vapours;**

**(ii) an assessment of the potential risks to:**

- human health;**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
- adjoining land;**
- groundwaters and surface waters;**
- ecological systems;**
- archaeological sites and ancient monuments;**

**(iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).**



**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

### **1.2 Submission of Remediation Scheme - if deemed necessary**

**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 if deemed necessary based on the findings of the site characterisation and risk assessment. This is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

### **1.3 Implementation of Approved Remediation Scheme**

**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 (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 produced, and is subject to the approval in writing of the Local Planning Authority.**

### **1.4 Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.2, which is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land).**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.3.**

#### **1.5 Long Term Monitoring and Maintenance**

**A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.**

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

#### **1.6 Certificate of Completion**

**A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and 'that the site is suitable for the permitted end use.**

**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.**

4.2 The proposed amended wording is set out below (changes highlighted in bold text):

(4) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1.1 to 1.5 (**excluding 1.3**) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 1.4 has been complied with in relation to that contamination.

#### **1.1 Site Characterisation**

An intrusive ground investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination including any ground gas and volatile vapours;

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 1.2 Submission of Remediation Scheme - if deemed necessary

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 if deemed necessary based on the findings of the site characterisation and risk assessment. This is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 1.3 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the **occupation commencement** of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 produced, and is subject to the approval in writing of the Local Planning Authority.

#### 1.4 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.2, which is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land).

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.3.

#### 1.5 Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 1.6 Certificate of Completion

A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and 'that the site is suitable for the permitted end use.

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.

## **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 7 neighbouring properties. To date (01.02.2019) no letters of objection have been received regarding:

## **6 Consultations**

- 6.1 Contaminated Land Officer: No objection.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01530/FUL	18.10.2016	Demolition of existing buildings on site to allow for the redevelopment of two three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works.( Description amended, and amended drawings received 28.08.2016)	REFUSED.  Appeal GRANTED  03.07.2017
17/01811/NMA	13.04.2005	Non-material amendment to extant permission 15/01530/FUL (Demolition of existing buildings on site to allow for the redevelopment of two three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works) to permit the reconfiguration of the internal layout of buildings.	GRANTED
18/00139/NMA	29.05.2018	Non-material amendment to extant permission 15/01530/FUL (Demolition of existing buildings on site to allow for the redevelopment of two three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works) to permit the reconfiguration of the internal layout of buildings.	GRANTED
18/00501/COND	01.02.2019	Details pursuant to Condition 3(CTMP), 6 (Materials), 7 (Landscaping) and 8 (Sections) of planning permission 15/01530/FUL	DISCHARGED

18/01134/COND		Details pursuant to Condition 5 (Drainage) of planning permission 15/01530/FUL	UNDER CONSIDERATION
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## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 15: Conserving and enhancing the natural environment

### Core Strategy 2007

Policy CS6 Sustainability in New Developments

### Development Management Policies Document 2015

Policy DM17 Contaminated Land

## 9 Planning considerations

### Proposed Amendment to Condition 4 (Contaminated Land)

- 9.1 The applicant has justified the proposed amendment to condition 4 by stating that the wording used in the original approved application (15/01530/FUL) described the condition as a pre-commencement condition. However, they state that the information required to discharge it can only be provided at the end of the construction period as it refers to the chemical certification analysis of the final top soil dressing provided in the new gardens and green areas.
- 9.2 They propose that once the development has been completed they would then complete the soil remediation and landscaping works and present one verification report to the Contaminated Land Officer covering soil remediation approval. Once the verification report has been approved, the condition could be discharged.
- 9.3 The E&E Contaminated Land Officer has considered the proposed amendment and justification and has no objections as the officer acknowledges that *“remedial works would normally be undertaken during the latter parts of the construction process upon nearing completion on site, and this would not be possible with a “pre-commencement” condition imposed”*
- 9.4 It is therefore considered that the proposed variation would not result in the development posing an unacceptable risk to workers, neighbours or any other offsite receptors by the amendment to the contaminated land condition.
- 9.5 The variation in condition will allow the development to progress and is considered to be acceptable.

## 10 Conclusion

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

## 11 Recommendation

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

### Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the 3 July 2017, the date of the originally approved application 15/01530/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:**

**412.18.PL1000 Site Location Plan,**

**412.18.PL1002 Proposed Site Plan,**

**412.18.PL30.01 Proposed Floor Plans - Block A,**

**412.18.PL30.02 Proposed Floor Plans - Block A,**

**412.18.PL40.01 Proposed Floor Plans - Block B,**

**412.18.PL40.02 Proposed Floor Plans - Block B,**

**Accommodation Schedule dated 01.05.2018**

**A3001 Proposed North Elevation Building 1 J**

**A3002 Proposed South Elevation Building 1 J**

**A3003 Proposed East Elevation Building 1 H**

**A3004 Proposed West Elevation Building 1 H**

**A3005 Proposed North Elevation Building 2 J**

**A3006 Proposed South Elevation Building 2 H**

**A3007 Proposed East Elevation Building 2 H**



**A3008 Proposed West Elevation Building 2 H**

**A3101 Proposed Cross Section AA' E**

**A3102 Proposed Cross Section BB' E**

**A4101 Proposed Landscaping Ground Floor Plan H**

**A4102 Proposed Landscaping Levels 1 Floor plan H**

**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) All development shall be in accordance with the Construction Transport Management Plan, approved under application 18/00501/COND dated 01.02.2019**

**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.**

- (4) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1.1 to 1.5 (excluding 1.3) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 1.4 has been complied with in relation to that contamination.**

### **1.1 Site Characterisation**

**An intrusive ground investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

**(i) a survey of the extent, scale and nature of contamination including any ground gas and volatile vapours;**

**(ii) an assessment of the potential risks to:**

**human health;**

**property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**

- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 1.2 Submission of Remediation Scheme - if deemed necessary

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 if deemed necessary based on the findings of the site characterisation and risk assessment. This is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 1.3 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the occupation of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 produced, and is subject to the approval in writing of the Local Planning Authority.

### 1.4 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it

**must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.2, which is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land).**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.3.**

### **1.5 Long Term Monitoring and Maintenance**

**A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.**

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

### **1.6 Certificate of Completion**

**A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and 'that the site is suitable for the permitted end use.**

**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.**

- (5) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the**

**potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:**

**a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;**

**b. include a timetable for its implementation; and,**

**c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

**Reason: To ensure the Sustainable Drainage System has been constructed as agreed and complies with the requirements of the national SuDS technical standards.**

- (6) Details and samples of the materials to be used for the external surfaces of the development shall be in accordance with the material samples and details approved under application 18/00501/COND dated 01.02.2019**

**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) Hard and soft landscaping shall be in accordance with the details approved under application 18/00501/COND dated 01.02.2019**

**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) The development shall be carried out in accordance with the approved details (including head, sill and window reveal details, balcony balustrade, rainwater goods) approved under application 18/00501/COND dated 01.02.2019**

**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.**

- (9) **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 14 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.**

- (10) **Prior to occupation of the new development, a scheme of public highway improvements as shown on the application drawings including:**

**i) the alteration of the refuge island in Chase Road to make a crossing point for pedestrians**

**ii) the removal of the layby to the front of the application site and replacement with a footway**

**iii) the provision of pedestrian dropped kerbs for accessibility**

**shall be designed in detail, approved by the Highway Authority and constructed by the developer under an appropriate agreement with the Highway Authority.**

**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 first occupied unless and until the proposed vehicular modified access to Chase Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction 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.**

- (12) **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 Document 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) 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>**

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## Appeal Decision

Site visit made on 6 June 2017

by **David Walker MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3<sup>rd</sup> July 2017

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### Appeal Ref: **APP/P3610/W/17/3166436**

#### **1 Chase Road, Epsom, Surrey KT19 8TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lavender Property Investments Ltd against the decision of Epsom & Ewell Borough Council.
  - The application Ref 15/01530/FUL, dated 26 January 2016, was refused by notice dated 14 October 2016.
  - The development proposed is demolition of existing buildings on site to allow for the redevelopment of two three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings on site to allow for the redevelopment of two three-storey (ground plus two-storeys) buildings accommodating a total of 14 flat units with associated car parking and additional works at 1 Chase Road, Epsom, Surrey KT19 8TL in accordance with the terms of the application, Ref 15/01530/FUL, dated 26 January 2016, subject to the conditions in the attached Schedule.

### Preliminary Matter

2. I have amended the description of the development to reflect that contained within the Council's decision notice in the interests of accuracy and consistency.

### Main Issues

3. The Council has confirmed that its reasons for refusal relating to parking and dwelling mix have been withdrawn. On this basis I consider the main issues in the appeal to be:
  - i) whether the proposal would result in an adequate provision of employment floorspace, and
  - ii) whether the proposal would make adequate provision for affordable housing.

### Reasons

#### *Employment floorspace*

4. The existing buildings are located within a predominately residential area and used for employment generating uses in the form of a car hire business. The front building, evidently long converted from two dwellings, contains an office and waiting area with flats above. A utilitarian shed type building to the rear

- provides covered car maintenance space. With a constrained arrangement, as was apparent at my site inspection, the current occupants have indicated their desire to leave.
5. Although, from the limited market testing carried out, there is nothing to indicate that an alternative occupier could not be found there is no evidence before me to suggest that the existing buildings could be made attractive for contemporary business needs. My attention has been brought to alternative premises nearby but these do not have identical conditions to the appeal site.
  6. It is apparent from submissions that both employment and housing land supply within the borough is heavily constrained. However, it is not shown that there remains an ongoing need to retain the employment floorspace of the appeal site. Beyond the cautious approach of Policy CS 11 of the Epsom and Ewell Core Strategy 2007 (the Core Strategy) to retain all employment land, the appeal site does not fall within any of the protected locations for employment generating uses. Such a measure is to be balanced with the aims of Policy CS 8 of the Core Strategy that also seeks to achieve housing at accessible locations, such as that provided by the appeal site.
  7. I have nothing before me to indicate that either of the Core Strategy policies should take precedence where there is potential for conflict. In the circumstances the Government's policy to boost significantly the supply of housing at paragraph 47 of the National Planning Policy Framework (the Framework) attracts considerable weight. Moreover, the existing occupant's aims to relocate rather than close, with a resulting loss of jobs, and the reuse of the previously developed land of the appeal site are further considerations weighing in the proposal's favour.
  8. I conclude that the redevelopment of the existing and constrained employment buildings of the appeal site would have a satisfactory effect on the adequacy of the employment land provision in the area. Therefore while there would be some conflict with Policy DM24 of the Epsom and Ewell Development Management Policies Document 2015 and its aim to retain employment floorspace outside of existing employment locations, harm has not been shown.

#### *Affordable housing*

9. There is some uncertainty from the submitted financial appraisals whether a sufficient profit could be obtained to meet the cost of providing affordable housing. Alternative views on the proposed residential values of the scheme and existing use values of the appeal site generate differing residual sums; in the Council's initial estimation amounting to a significant surplus.
10. However, the expert valuation advice obtained by the Council acknowledges that such appraisals are subject to a degree of judgement. In a subsequent email the Council acknowledges the appellant's revised calculations also show a residual with no capacity to provide any affordable housing. There is no further evidence available for me to reach any alternative finding.
11. With reference to paragraph 173 of the Framework it is the Government's intention that a landowner and developer should be able to obtain a competitive return after any planning requirements have been taken into account. I conclude therefore that while the proposal would make no provision toward affordable housing that this is a satisfactory outcome in the



circumstances, outweighing the conflict with Policies CS 9 and CS 12 of the Core Strategy and their associated requirements for developer contributions.

*Other matters*

12. While appreciably larger than the existing buildings, the Art Deco design of the proposal and end of street position would be of appropriate scale and relate well to the appearance of the inter-War houses in the vicinity. The nearest windows of the rearmost building to existing occupants would be projecting bays with only sideways views to prevent a harmful loss of privacy. Concerns raised in relation to these matters do not weigh heavily against the scheme.

**Conditions**

13. I have attached conditions identifying the implementation period and approved plan in the interests of certainty. It is necessary that construction transport is managed through a scheme to be agreed before any commencement of works in the interests of highway safety. Due to past industrial uses of the land I am also satisfied that the risk of ground contamination needs to be properly assessed before any development commences. I have combined the Council's suggested drainage conditions into a single condition requiring agreement to a suitable scheme for drainage before any occupation. This is necessary to ensure that drainage is properly implemented and maintained throughout the lifetime of the development.
14. The specification of external materials, hard and soft landscaping, and exterior details will be important to the character and appearance of the area and so are necessarily controlled by conditions. Before any occupation commences and to ensure satisfactory access and highway safety it is necessary for parking and highways works as detailed in the proposal to have been provided. Evidence of the potential for the existing buildings to be used by bats was found and on this basis suitable mitigation is necessary, to be provided before any occupation. Conditions were requested relating to water consumption and energy efficient materials but are unnecessary as these matters are controlled through the Building Regulations.

**Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed.

*David Walker*

INSPECTOR

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - A2000 Proposed Location Plan H
  - A2001 Proposed Site plan H
  - A2100 Proposed Ground Floor Plan H
  - A2101 Proposed Level 1 Floor plan J
  - A2102 Proposed Level 2 Floor plan H
  - A2103 Proposed Roof Plan J
  - A3001 Proposed North Elevation Building 1 J
  - A3002 Proposed South Elevation Building 1 J
  - A3003 Proposed East Elevation Building 1 H
  - A3004 Proposed West Elevation Building 1 H
  - A3005 Proposed North Elevation Building 2 J
  - A3006 Proposed South Elevation Building 2 H
  - A3007 Proposed East Elevation Building 2 H
  - A3008 Proposed West Elevation Building 2 H
  - A3101 Proposed Cross Section AA' E
  - A3102 Proposed Cross Section BB' E
  - A4101 Proposed Landscaping Ground Floor Plan H
  - A4102 Proposed Landscaping Levels 1 Floor plan H
  - A5102 Proposed Accommodation Schedule H
- 3) 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
  - f) measures to prevent the deposit of materials on the highway
  - g) on-site turning for construction vehicleshas 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.
- 4) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1.1 to 1.5 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 1.4 has been complied with in relation to that contamination.

### 1.1 Site Characterisation

An intrusive ground investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination including any ground gas and volatile vapours;

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 1.2 Submission of Remediation Scheme - if deemed necessary

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 if deemed necessary based on the findings of the site characterisation and risk assessment. This is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 1.3 Implementation of Approved Remediation Scheme

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 (see EEBC Planning Advice note on the assessment and remediation of contaminated land). 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 produced, and is subject to the approval in writing of the Local Planning Authority.

### 1.4 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.2, which is subject to the approval in writing of the Local Planning Authority (see EEBC Planning Advice note on the assessment and remediation of contaminated land).

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.3.

#### 1.5 Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 1.6 Certificate of Completion

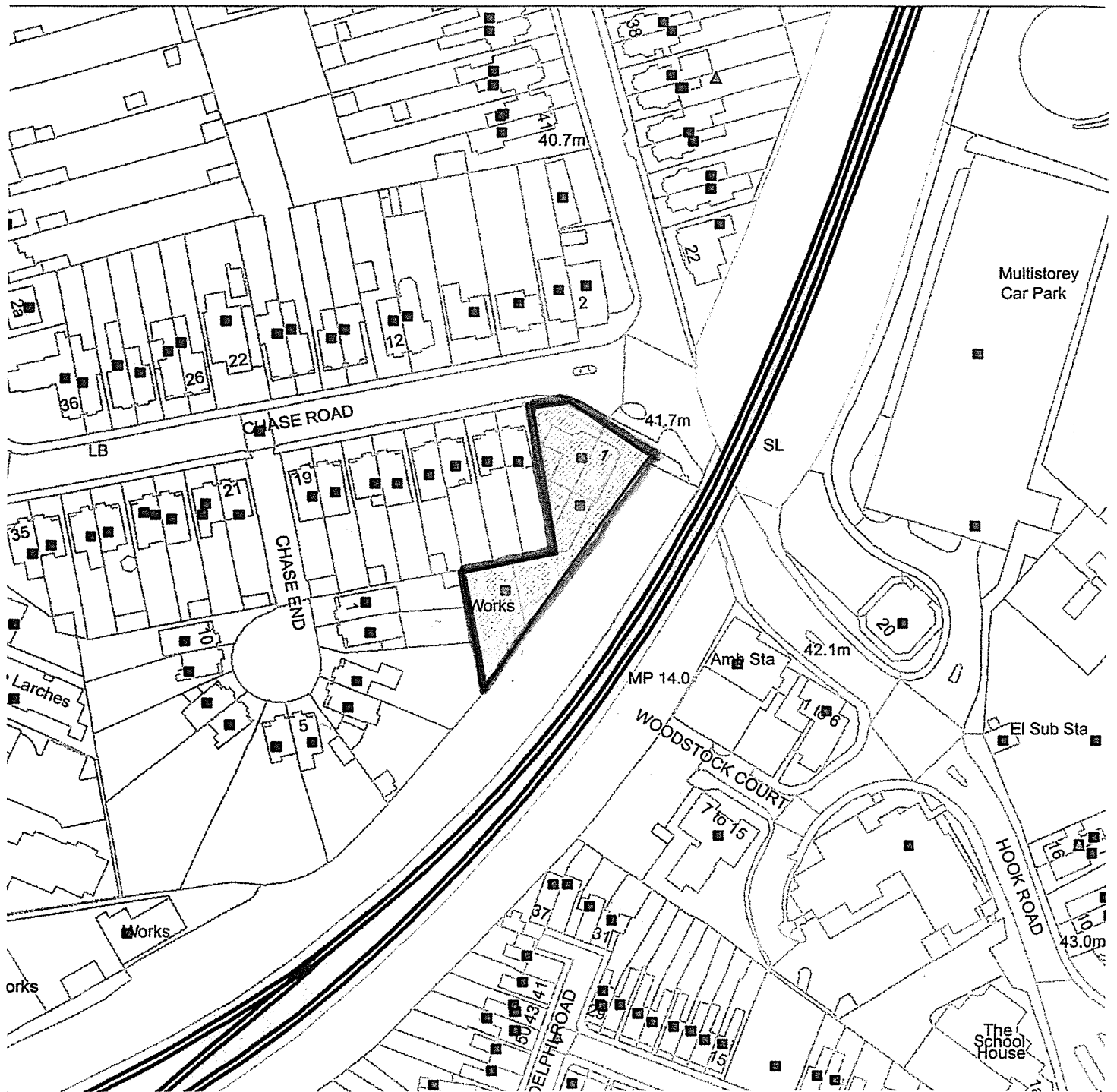
A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and 'that the site is suitable for the permitted end use.

- 5) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b. include a timetable for its implementation; and,
  - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 6) Prior to any development above base course level, details and samples of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 7) No development shall take place above base course level until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.
- 8) Prior to any development above base course level, a 1:20 scale vertical section through the front and flank elevations including details of windows (including head, sill and window reveal details), balcony balustrade, rainwater goods, as well as a 1:50 scale typical elevation, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) 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 14 bicycles to be parked. The parking area shall be used and retained exclusively for its designated use.
- 10) Prior to occupation of the new development, a scheme of public highway improvements as shown on the application drawings including:
  - i) the alteration of the refuge island in Chase Road to make a crossing point for pedestrians
  - ii) the removal of the layby to the front of the application site and replacement with a footway
  - iii) the provision of pedestrian dropped kerbs for accessibilityshall be designed in detail, approved by the Highway Authority and constructed by the developer under an appropriate agreement with the Highway Authority.
- 11) The development hereby approved shall not be first occupied unless and until the proposed vehicular modified access to Chase Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 12) 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.

End of schedule

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Date	04 February 2019
Comments	
SLA Number	771

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## Development Site at 65 London Road Ewell Surrey KT17 2BL

Development of a supermarket, together with associated parking, access servicing and landscaping.

<b>Ward:</b>	<b>Stoneleigh Ward</b>
<b>Contact:</b>	<b>John Robinson Planning Officer</b>

### 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PC26NPGYKH400>

### 2 Summary

- 2.1 The application site was formerly the Organ and Dragon pub which has been demolished and the site is currently vacant. This application seeks permission for the erection of a two and a half storey building, comprising a new Lidl food store at the first and second floor, with car parking and delivery accommodation to the ground floor level.
- 2.2 Planning permission was refused on 27.06.2017 for a similar scheme in the same location, under reference 16/00933/FUL. The associated reasons for that refusal are contained in following sections of this report.
- 2.3 **Having regard for the information that has been submitted with the application, it is considered that the application has not addressed the previous grounds for refusal, and it is therefore recommended for REFUSAL.**

### 3 Site description

- 3.1 The application site, approximately 0.3ha, is located in a prominent corner position at the junction of the A24 (London Road) and the A240 (Ewell By-Pass), and was previously occupied by the Organ and Dragon Public House.

- 3.2 The site is irregular in shape on a north-east south-west axis parallel to London Road. The site generally falls from the south east to the north-west direction, with a level difference from London Road to the site maintained by an existing retaining boundary wall. There is also a rise in level in the grassed areas to both sections to the north of the site. Vehicular access to the site is off London Road opposite a petrol filling station.
- 3.3 Adjacent to the site on the Ewell By-Pass is a group of houses with extensive back gardens which bound the north of the application site, along with the back gardens of those properties on Elmwood Drive. Adjacent to the site on London Road, is Stability House, a former dwelling now converted into offices, with residential accommodation on the upper floor.
- 3.4 The site is within a mixed use area around the junction. There is a designated local shopping parade on the opposite corner of the junction (Ewell By-Pass) which contains around 15 shops in various retail and service uses. Other uses in the area include a car showroom, petrol filling stations, storage warehouse, Territorial Army centre, United Reform Church and offices. The application site does not fall within the designated shopping parade.
- 3.5 Surrounding this predominately commercial area, are the residential areas of Ewell and Stoneleigh, consisting of primarily detached and semi-detached inter-war period houses. Nonsuch Park is approximately 300m from the site.

#### **4 Proposal**

- 4.1 This application seeks permission for the erection of a 2.5 storey building, accommodating a new Lidl food store. The proposed building would accommodate a supermarket with a gross internal area of 1307m<sup>2</sup> and a net retail sales area of 662m<sup>2</sup>, with the retail sales area located at ground floor, with ancillary warehouse and associated back of house accommodation (manager's office, staff room and toilet facilities) located part at ground and part at first floor level.
- 4.2 Access into the sales area would provided by automated sliding double doors off an external raised deck, which in turn would be accessed via an external ramp (along the (front) London Road elevation) .
- 4.3 Parking for a total of 53 customer and 4 staff parking spaces, would be provide partly within an undercroft and partly at ground floor level, around the perimeter of the site.. In accordance with standards, fourteen cycle parking spaces would be provided.

- 4.4 The sole entrance and exit from the car park would be onto London Road, located to the rear of the building. The service area would be located at the rear of the building, positioned to facilitate the manoeuvring of the delivery vehicle into the delivery area in front of the delivery doors.
- 4.5 The building would be of contemporary design with the external walls to the store consisting of brick cladding, "alucobond" cladding, and large areas of glazing. Full height glazing, above the undercroft parking/entrance deck level, would be provided to the south western elevation and part return south eastern elevation, and the flank elevation facing 153 Ewell By-Pass would have a full height "green" wall.
- 4.6 The building would have a low angle, mono-pitched roof, with the high point along the front elevation along London Road, reducing in height to the rear, shared boundary with no 153 Ewell By-Pass.
- 4.7 This application is supported by the following documents:
- Planning Statement
  - Design and Access Statement
  - Transport Assessment including a Draft Travel Plan
  - A BREEAM Pre-Assessment Report; and
  - Noise Impact Assessment

## **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to in excess of 400 neighbouring properties. To date (09.01.2019) 10 letters of support have been received with 387 letters of objection raising the following issue:
- The additional traffic movements associated with the proposed development at the junction of A24 and A240 will increase queueing and congestion on both roads and as a result, will have a severe impact on the safety and efficiency of traffic on the surrounding highway network.

## **6 Consultations**

- 6.1 Surrey County Council Highways: Recommend refusal
- 6.2 Environment Agency: No objection. Offered advice with respect to flood risk and groundwater abstraction

- 6.3 Surrey County Council (Flood Authority): Recommends refusal because significant issues have been identified regarding the proposed surface water strategy to comply with the requirements laid out under the Technical Standards. However, in the event that planning permission is granted against their recommendation, they suggest appropriate conditions be imposed.
- 6.4 Contaminated Land Officer: The site is close to several potential sources of contamination, including an infilled brick pit. The development proposals include for a basement and so the potential risk from ground gas is especially pertinent. Condition to be imposed
- 6.5 Tree Officer: Recommends refusal as there is insufficient space being designed into the scheme for green infrastructure.
- 6.6 Surrey Archaeology Officer: Under Local Plan policy DM8, sites outside of an AHAP and in excess of 0.4ha, require archaeological assessment, however, as the site is below that threshold and is likely to have been subject to considerable disturbance from the construction and subsequent demolition of the public house that formerly occupied the site, I have no archaeological concerns. No objection

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
12/00685/FUL	13.12.2012	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) use with associated improvements to the access and car parking areas.	REFUSED  Appeal DISMISSED  25.09.2013
12/01234/FUL	27.03.2013	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) with associated improvements to the access and car parking areas.	REFUSED
16/00933/FUL	27.06.2017	Erection of a Class A1 convenience supermarket and associated parking, access, servicing and landscaping.(Amended drawings received 09.05.2017)	REFUSED

**8 Planning Policy**

National Policy Planning Framework (NPPF) 2018

- Chapter 2      Achieving sustainable development
- Chapter 5      Delivering a sufficient supply of homes
- Chapter 9      Promoting sustainable transport
- Chapter 11     Making effective use of land
- Chapter 12     Achieving well-designed places
- Chapter 14     Meeting the challenge of climate change, flooding and coastal change
- Chapter 16     Conserving and enhancing the historic environment

Core Strategy 2007

- Policy CS5      Conserving and Enhancing the Quality of the Built Environment

Policy CS6	Sustainability in New Developments
Policy CS8	Broad location of Housing Development
Policy CS15	Role of Local Centres
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Development (Including House Extensions)
Policy DM29	Major New Retail Developments
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

## 9 Planning considerations

### Previous Application

9.1 A similar application (16/00933/FUL) for a Lidl supermarket with associated parking, access, servicing and landscaping, was refused by the Planning Committee in June 2017 on the following grounds:

*1. The proposed building, due to its design, scale, height and massing would appear as a dominant and overbearing element in the outlook from no. 153 Ewell Bypass, contrary to Policy DM10 of the Development Management Policies Document 2015.*

*2. The proposed building due to its design, scale, height and location would lead to an unacceptable sense of enclosure to the rear garden of no. 1 Elmwood Drive contrary to Policy DM10 of the Development Management Policies Document 2015.*

*3. The proposed car parking provision within the site is inadequate to accommodate the demands of staff and customers of the store. This will lead to queueing on both the A240 Kingston Road (East and West) and the A24 London Road, whilst customers wait for space to become available in the car park, causing severe congestion at this very busy junction, contrary to Policy DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.*

*4. The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queueing and congestion on both roads and as a result, will have a severe adverse impact on the safety and efficiency of traffic on the surrounding highway network, contrary to Policy CS16 of the Core Strategy 2007.*

*5. It has not been demonstrated to the satisfaction of the County Highway Authority, that pedestrian movements to and from the store have been adequately catered for, causing detriment to the safety and convenience of pedestrians in the local neighbourhood who may be discouraged from walking to the store because of the lack of crossing facilities at the access to the store and on the A24 London Road particularly at the traffic signals, contrary to Policy CS16 of the Core Strategy 2007.*

*6. A mixed use development of retail and residential would be a preferable form of sustainable development over a single use scheme at this location. The proposed single use of the site would therefore be unsustainable, contrary to Core Strategy Policy CS1 and CS8.*

9.2 The current proposal has significantly revised elements in order to address the reasons for refusal set out above. The applicant submits that the current scheme differs in the following ways:

- *“The overall scale of the development has been substantially reduced in order to address the first and second reasons for refusal*
- *The provision of car parking provided at the site accords with the Councils standards, whilst the traffic movements associated with the development have been shown not to materially increase queueing and congestion on the local highway network, thereby addressing the third and fourth reasons for refusal.*
- *Enhanced pedestrian movement is proposed to be provided at the adjacent highway junction so as to overcome reason for refusal number 5*
- *Evidence is submitted to demonstrate compliance with Core Strategy Policies CS1 and CS8 to address the reason for refusal number 6.”*

Principle of Development

- 9.3 Chapter 11, para 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 9.4 Para 118 states that planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
- 9.5 Para 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 9.6 The application site is located in the built-up area of Epsom. It is previously developed land and in a sustainable location. It is not within a conservation area. The redevelopment of this site is therefore appropriate in principle, subject to compliance with relevant development plan policies.

#### Sustainable Development

- 9.7 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and



- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.8 Policy CS8 states inter alia that “In principle, the strategy will be to direct higher density development to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This will enable relatively lower densities to be applied to other parts of the built-up area to help retain their character and local distinctness The Council will also encourage mixed use developments within the more accessible town or local centre locations. Further policies on densities will be set out in subsequent DPDs.”
- 9.9 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.
- 9.10 Addressing the 6th reason for refusal, the applicants submit that consideration of relevant development plan policies clearly demonstrate that the proposal to develop the application site solely for a supermarket is not contrary to the provisions of Core Strategy Policies CS1 and CS8.
- 9.11 With reference to Policy CS8, the applicants submit the following:
- 9.12 *The “third” element of Policy CS8 states that the Council will “encourage” mixed use developments within more accessible town and local centre locations. They argue that whilst the Council may “encourage” mixed use development in such locations, such “encouragement” does not equate to a policy requirement that all development within centres must comprise mixed use scheme. In the absence of any policy requirement to provide mixed use development on the application site, they submit that Council’s “encouragement” of mixed use development in more accessible town and local centre locations, does not constitute a sound policy basis on which to refuse planning permission for a development which is not a mixed use scheme.*
- 9.13 *Simply because the application does not include an element of residential development and is therefore not a mixed use scheme, does not mean that the proposals conflict with Policy CS8. The fact that the Council might “prefer” an alternative form of development of the site is an immaterial consideration in the determination of the application.*

- 9.14 *It is considered unreasonable and unlawful, for the Council to seek to contend that Policy CS8 enable a refusal of planning permission for retail development on the application site, because that development does not comprise a mixed-use scheme. It is also demonstrably incorrect for the Council to contend that a non-mixed scheme on the application site would fail to accord with the policies of the development plan.*
- 9.15 *The scale of development proposed in the current application represents a substantially reduced scale of development, when compared to the 2016 proposal. It is a scale of development significantly smaller than that which Lidl would ideally wish to provide within Ewell in order to meet the requirements of the local market they seek to serve. Such considerations mean it is not possible for the scale of retail development to be further reduced to the extent that would enable a mixed use retail and residential scheme to be brought forward for the site, that would be suitable for Lidl and the satisfactory undertaking of its business operations. The limited extent of the site means that it is not suitable to accommodate a Lidl supermarket together with residential development.*
- 9.16 *In the current instance the application site is suitable to accommodate the scale of retail development now proposed. Given the site's constraints the inclusion within the development of residential use would require a reduction in the scale of retail floorspace. Such a reduction in retail floorspace is not what the applicant's require: such a compromised retail offer will not allow the company's retail operation to function satisfactorily and offer the scale and range of product lines considered essential if the retail unit is to operate in accordance with the company's business model. In short, the site is physically incapable of accommodating a mixed-use scheme providing an element of residential development together with a Lidl supermarket.*
- 9.17 *Given the above, it is considered that the application proposals give rise to no conflict with Policy CS8 of the Core Strategy and it is wholly unreasonable of the Council to seek to resist development that is otherwise acceptable on the basis of its "preference" for a mixed use scheme, and in the absence of any development plan policy or national planning policy to support such an approach.*
- 9.18 Having regard to the applicants submission, Officers comment as follows:
- 9.19 Whilst the Council may encourage mixed use development in such locations, such encouragement does not equate to a policy requirement that all development within centres must comprise mixed use scheme. In the absence of any policy requirement to provide mixed use development on the application site, the Council's encouragement of mixed use development in more accessible town and local centre locations, does not constitute a sound policy basis on which to refuse planning permission for a development which is not a mixed use scheme.
- 9.20 With reference to Policy CS1, the applicants submit the following:

- 9.21 *The application proposals will deliver modern new retailing facilities on a semi-derelict brownfield site: the proposed development of a Lidl foodstore on the application site will therefore contribute positively to the social, economic and environmental improvement required to achieve sustainable development in Ewell.*
- 9.22 *Through the provision of enhanced and extended retail facilities it will improve local consumer choice and deliver new local shopping facilities in a readily accessible location and thereby deliver social benefits. It will create approximately 40 new local employment opportunities and return to economic Class A use a site which is currently vacant and non-productive and formerly in Class A use, thereby delivering significant economic benefits. In environmental terms the development will deliver a building of high quality contemporary design on a prominent site that currently detracts from the qualities of the urban realm as a result of its poor appearance and current vacant and redundant status.*
- 9.23 *The development of a new Lidl supermarket on the application site will have no adverse impact on the natural environment but will contribute to its conservation through the effective use of land that has previously been developed.*
- 9.24 *The application proposals will have no adverse impact on any heritage asset and will deliver a building of high quality design on a prominent corner site. The application proposals will therefore act to protect and enhance the natural and built environment of this part of the Borough.*
- 9.25 *As set out in the Design and Access Statement and the BREEAM Assessment submitted in support of the application the proposed store will be highly sustainable and thereby contribute towards the creation of a sustainable environment in this part of Ewell. By enhancing the scale and extent of locally available shopping facilities the development will also contribute to the creation of a more sustainable pattern of development by reducing the need for local people to undertake shopping trips to more distant locations.*
- 9.26 Design, (para 9.32 – 9.46) landscaping (9.152) and highway issues (para 9, 95) are assessed in detail in the body of this report. However in summary:
- 9.27 The proposed building would be of a generic design that would not respond to the setting of the local townscape or the historic environment. The scale and massing as well as the material character of the development would be unrelated to the surrounding streets including the houses to the northwest and the north east. It therefore concluded that considered that generic design of the building and it's harsh landscaped setting would fail to contribute to the character and local distinctiveness of the immediate area

- 9.28 The proposed car parking provision within the site would not be sufficient to accommodate the demands of staff and customers of the store. This would lead to queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction.
- 9.29 The revised layout in connection to servicing would cause a conflict of traffic movements at the entrance to the store close Kingston Road and would cause severe safety concerns,
- 9.30 It has not been demonstrated that pedestrian movements to and from the store have been adequately catered for causing detriment to the safety and convenience of pedestrians.
- 9.31 It is therefore concluded that the proposed scheme would not represent sustainable development as it would fail to comply with Policy CS1 and would fail to meet the social and environmental objectives as set out in paragraph 8 of the NPPF.

Design/Visual Impact/Heritage Impact

- 9.32 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.
- 9.33 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.
- 9.34 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.

- 9.35 Paragraph 190 of the NPPF stipulates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.36 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.
- 9.37 Policy DM8 is concerned with heritage assets and seeks to ensure that they are conserved and, where possible, enhanced by new development. The policy states that development proposals that involve or have an effect on heritage assets must establish the individual significance of the Asset as part of the application in accordance with national policy.
- 9.38 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.
- 9.39 The building would be of contemporary design with the external walls to the store consisting of brick cladding, "alucobond" cladding, and large areas of glazing. Full height glazing, above the undercroft parking/entrance deck level, would be provided to the south western elevation and part return south eastern elevation, and the flank elevation facing 153 Ewell By-Pass would have a full height "green" wall.
- 9.40 It would have a low angle, mono-pitched roof, with the high point (10.5m) along the front elevation along London Road, reducing in height (7.7m) to the rear, shared boundary with no 153 Ewell By-Pass.

- 9.41 Access into the sales area would be provided by automated sliding double doors off an external raised deck, which in turn would be accessed via an external ramp (along the (front) London Road elevation) .
- 9.42 Parking would be provide partly within an undercroft and partly at ground floor level, around the perimeter of the site.
- 9.43 Officers consider that the proposed supermarket is of a generic design that does not respond to the setting of the local townscape or the historic environment. It is very similar to many other “Lidl’s” across the country and the design is clearly driven by the applicants “business and operational model” and not its specific context.
- 9.44 The scale and massing as well as the material character of the development is unrelated to the surrounding streets including the houses to the northwest and the northeast. The frontage onto the junction would be set back behind an expanse of car parking and while this would not be dissimilar from the car show room opposite, it would not enhance the quality of this environment. The raised ground floor to accommodate the undercroft parking would result in largely blank elevations (and inactive frontages) facing the prominent junction and its surroundings would be dominated by access drives and pedestrian access ramps. The proposed amount of inactive frontage would result in the scheme having little or no relationship with the street or public realm. This would be exacerbated by the absence of landscaping around the perimeter of the site which would do little to alleviate the dominance of cars in the townscape, not only on the two busy road but in the parking areas in front of the building.
- 9.45 Officers consider that although there is potential for a larger building on this corner site and a contemporary design would be acceptable, it should respond to the local context. The building would remain unlike any other building in both the immediate or wider area and would not relate in any meaningful way to the surrounding area or reinforce local distinctiveness in terms of design, materials or appearance.
- 9.46 It therefore concluded that considered that generic design of the building and it’s harsh landscaped setting would fail to contribute to the character and local distinctiveness of the immediate area, contrary to para 127 of the NPPF, Policy DM9 and DM10. and in accordance with para 130 of the NPPF.
- 9.47 Whilst the application site is not itself a heritage asset or within a conservation area, there are a number of statutory heritage assets within the locality of the site and these comprise:
- Ewell Honda, Ewell bypass, Epsom (Grade II)
  - Nos 79 – 85 London Road, Epsom (Grade II)
  - Woodgate, London Road (Grade II)

- Ivy Cottage, London Road. (Grade II)

- 9.48 Of these heritage assets, the “Ewell Honda” building at the side of the Shell petrol filling station on the western side of the Ewell bypass is opposite the application site, some 60m to the south west of the proposed supermarket building, whilst the range of buildings at 79 – 85 London Road is situated to the north east of the application site. These two heritage assets are the listed properties closest to the application site. The other heritage assets in the vicinity include the building known as “Woodgate” on the southern side of London Road to the south west of the application site and “Ivy Cottage” on the south side of London Road to the north east of the application site.
- 9.49 Officers consider that Ivy Cottage and Woodgate are at a sufficient distance from the application site and therefore the application proposals would not affect their setting.
- 9.50 The Ewell Honda Building which dates from 1961, with later 20th and 21st century alterations is listed for its architectural interest. The setting of the building is compromised by the adjacent petrol filling station and its substantial canopy. Views of the listed building are also compromised by the large number of cars displayed for sale on the building’s forecourt. It is therefore considered that the application proposals, would not detract from the setting of the Honda garage.
- 9.51 The buildings at 79 – 85 London Road are a small terrace of four dwellings, which are enclosed by the adjacent properties immediately to the north and south and only oblique views of the heritage asset can be obtained from vantage points on London Road when approaching the site from either the south west or the north east.
- 9.52 The proposed scheme would be focused on the junction of London Road with the Ewell bypass and would not have any material bearing on the setting of the heritage asset at 79 – 85 London Road.
- 9.53 It is therefore concluded that the proposed scheme would not give rise to any conflict with Policy DM8.

#### Neighbour Amenity

- 9.54 Policy CS5 of the Core Strategy and Policy DM10 of the Development Management Policy Document seek to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
- 9.55 Para 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and  
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

- 9.56 The new building would be set around 4.2m forward of the adjacent dwelling at No 153 Ewell By Pass. This relationship is considered to be acceptable and would not have a material impact on the outlook from the front windows of the affected dwelling. The outlook from the flank of No. 153 would be similarly unaffected as that elevation of the building has no windows.
- 9.57 The north west flank wall, with an eaves height of 7.7m, would face the adjacent dwelling at No 153 at a distance of approximately 4m, along the entire depth of the affected neighbour's rear garden. The proposed introduction of a green wall along part of this elevation and the reduction in both overall and eaves height of the current scheme would be sufficient to mitigate both the perceived and actual impact on the rear outlook from the affected dwelling.
- 9.58 The north eastern flank elevation of the new building would be set back approximately 1.5m from the rear garden boundary of No. 1 Elmwood Drive. The materially reduced scale and bulk of the current scheme would effectively mitigate the previous refused scheme's overbearing and dominant impact on the rear garden of the affected property, and would not lead to an unacceptable sense of enclosure.
- 9.59 The application is supported by a Noise Impact Assessment Report which states the following:
- 9.60 The proposed plant will be located at ground level adjacent to the delivery bay, and abutting the 2m high fence to be erected along the flank (rear garden) boundary with No 1 Elmwood Drive. With the plant in its current location the plant will be louder than acceptable. To mitigate against plant noise, it is advised to install the Dry Cooler and Mitsubishi FDC250VSA plant only in specialist acoustic enclosures/attenuated plant compound. The acoustic enclosures/plant compound should achieve the following minimum sound reduction:
- Dry Coolers 10 dB(A); Mitsubishi FDC250VSA 10 dB(A)
- 9.61 The report concludes that that plant noise will be acceptable when assessed to British Standard 4142:2014 and of a low impact. The Council's Environmental Health Officer concurs, subject to an appropriate condition being imposed requiring the plant to be installed in acoustic enclosures



- 9.62 The northern edge of the undercroft car parking area would be separated from the adjoining flank boundary of the rear garden to No 153 Ewell By-Pass, by a 900mm high brick wall. The rear gardens of No 1 and 3 Elmwood Drive, abut the north western boundary of the application site, whilst the staff parking spaces would abut the rear boundary of Nos 77a and 77 London Road. To mitigate the potential noise impact, it is proposed to safeguard the amenity of the affected properties by requiring the submission of details of an acoustic fence to be erected along the common flank boundaries.
- 9.63 Furthermore, in order to mitigate the impact at what might generally be considered to be quieter times of day it is proposed to impose conditions limiting the store opening times to 7am - 8pm Monday to Sunday, including Bank Holidays Officers are satisfied that, subject to suitable conditions, activity within the service yard would not impact detrimentally on nearby residential properties. A condition would also be recommended to control the hours during which vehicles may make deliveries to the site to minimise the impact.
- 9.64 It is therefore concluded that the proposed scheme would not have a materially harmful impact on neighbour amenity in terms of being overbearing in the outlook of No 153, or lead to an unacceptable sense of enclosure to the rear garden of No 1 Elmwood Drive, but that any noise and disturbance arising from the new store could be adequately controlled/mitigated against.

#### Highways Parking and Access

- 9.65 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- (a) appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location;
  - (b) safe and suitable access to the site can be achieved for all users; and
  - (c) Any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree
- 9.66 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.67 Extensive representations have been received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular concerns are raised that the existing highway network in the vicinity of the site is heavily used, congested and restricted. The consequences of this are considered to be that the development would result in harm by adding traffic to this existing situation.
- 9.68 A Transport Assessment (TA), Draft Travel Plan (DTP) and a Car Park Management Plan (CPMP), have been submitted by the applicant. The TA examines the proposed development in terms of vehicular access, the provision of parking for vehicles on site and the potential increase in traffic on adjacent roads.
- 9.69 The Highway Authority, Borough Council officers and the Councils Transport Consultant have scrutinised the Transport Assessment in some depth and have raised a variety of queries, some of which have been addressed in a supplementary response from the applicants. Nevertheless, the Highway Authority is still not satisfied that the vehicular impact of the proposed development would be without harm to the safety and efficiency of the surrounding road network. The points of concern, as set out in their consultation response, are considered below.

#### Parking

- 9.70 Parking is considered at paras 4.8 – 4.16 of the Transport Assessment which assesses the levels of parking proposed against the recently adopted Surrey County Council (SCC) maximum standard (January, 2018), which concludes (para 4.13): *“The current development proposals provides 53 customer spaces for a 1,307 square metre GIA, which equates to one space per 24 metres GIA. It is therefore considered that the revised scheme provides a parking arrangement close to the maximum standard for a store of this scale, as if the suburban reduction stated within the standards is applied, the maximum standard would be 70 car parking spaces.”*
- 9.71 The Transport Assessment also notes that because the proposed development relates to a store on “stilts” this has the effect of inflating the overall floor area and the development’s parking requirements. It notes that if the store were of a more conventional format, the store’s gross area would be reduced compared to the sales area provide, and that this further demonstrates the suitability of the parking provided (Transport Assessment, para 4.14)

- 9.72 The adequacy of parking is further demonstrated in the parking accumulation analysis (set out in section 6.0 of the TA) which identifies that Peak parking demand on the Friday would occur between 11:00-12:00 hours, reaching 36 vehicles. This would reduce to 25 vehicles during the established network evening peak period. Parking demand is shown to reach 41 vehicles between 10:00-11:00 hours on the Saturday. At the busiest time on a Saturday parking demand would only reach 72% of the total parking provision, or 77% when excluding staff spaces. The Transport Assessment therefore concludes that the level of parking provided is sufficient to accommodate demand at established retail trading peak periods such as the build-up to Christmas.
- 9.73 Whilst the trip generation profile shows that 67 vehicles are anticipated to arrive during the peak Saturday period, very few customers will remain on site for a full hour. Each parking space will turn over close to two vehicles in any given hour. This assertion is supported by evidence at other Lidl stores within the TA, which shows that an average of 62.8% of customers remain within a Lidl store car park for less than 30 minutes. This reaches 71.3% at the Norbury store. The number of customers visiting a store in any given hour can therefore comfortably exceed the maximum number of parking spaces without resulting in parking demand reaching capacity. Considering the small floorspace proposed for this store, it is likely that customer trips will be an even shorter duration.
- 9.74 Parking controls would be introduced within the car park to manage the turnover of parking spaces and ensure that parking is not abused on site. The length and control of parking on site would be agreed with the Highways Authority and the Council, although it is anticipated that this would involve automatic number plate recognition (ANPR) with a maximum stay of two hours.
- 9.75 Staff would not be permitted to drive and park at the store other than within four allocated spaces, and therefore the remainder of the spaces would remain available for customers.
- 9.76 It is proposed to implement a Travel Plan as part of the redevelopment of the retail unit which would help to reduce the number of car-borne trips to and from the application site and thus reduce peak period congestion on the local highway network.
- 9.77 A Car Park Management Plan has been produced with the aim of managing the Lidl car park to ensure that future customers can access and park at the site for short-stay visits to the foodstore.
- 9.78 Servicing

- 9.79 The applicants submit that Lidl's policy is to limit deliveries to two or three vehicles per store each day, with waste material and returns being taken away in the same vehicle. Servicing is usually undertaken outside of network and trading peak hours. It is clear therefore that activity will be occasional, not occurring during busier time periods.
- 9.80 They state that it is fully within the control of the Council to control when servicing takes place at the store and how many vehicles can service the store per day/at any time. This would in effect resolve any concerns by limiting servicing to time periods where there is minimal to no conflict with either customers or users on the wider road network.
- 9.81 They submit that the servicing arrangement for the previous application was considered acceptable, with layout not forming a reason for refusal. Accordingly, the proposed servicing arrangement is similar to the previous scheme, though accounting for a relocated servicing bay. This can accommodate vehicles up to, and including 16.5 metre articulated vehicles,
- 9.82 Double yellow lines are proposed within the site in the vicinity of the loading bay to prohibit informal parking. This will ensure that the area to the front of the site is kept clear to enable access by service vehicles at all relevant times. The site layout plan also illustrates an area of carriageway hatched to prohibit informal parking. This also in effect reduces the width of the access junction for customers to manage traffic flow in and out of the site.
- 9.83 Based on the above, they submit it would be appropriate for the Council to consider way of controlling servicing aspects to mitigate any concern raised by SCC.

Sustainability and Accessibility

- 9.84 The TA sets out measures to improve pedestrian connectivity at the signal junction, and which suggests could be tied to the application by way of a Section 106 or Section 278 agreement. The TA seeks to improve the pedestrian crossing in the following ways:
- Provide tactile paving where none is provided on all arms of the junction (both London Road arms of the junction); and
  - Introduce pedestrian signal controls to both the A24 London Road arm and the London Road (south-western arm), neither of which currently benefits from provision.
- 9.85 The TA includes an indicative layout for the improved crossing points, which could be achievable without altering the current signal phasing by providing a staggered crossing adjacent to the site. This would require increasing the width and length of the central island where necessary.

Trip Generation

- 9.86 This section of the TA sets out the projected trip attraction of the proposed Lidl foodstore. This follows the agreed methodology undertaken during the previous refused application where no objection was raised, albeit it makes use of revised TRICS compliant survey data at the nearby Lidl Chessington store.
- 9.87 The assessment predicted the likely trip attraction of the proposed foodstore by way of TRICS compliant survey data undertaken at the Lidl Chessington store, which was specifically requested by SCC. Survey data of the Chessington store was interrogated during the following time periods:
- 07:00-21:00 hours on Saturday 12th May 2018; and
  - 07:00-21:00 hours on Tuesday 15th May 2018.
- 9.88 Appendix H of the TA shows that the Lidl Chessington store generated 108 vehicular movements in and 116 movements out between 11am and midday (the peak hour) on the Saturday. The trips anticipated to be generated at the Lidl store at the application site were then calculated from the proposed sales floor area of 662m<sup>2</sup> reduced from the 1,063m<sup>2</sup> sales floor area at the Chessington site. This led to a predicted traffic flow of 67 arrivals and 72 departures in the Saturday peak hour.

Traffic Impact

- 9.89 Section 7 of the TA accounts for comments raised by SCC in respect of junction modelling during the previously refused planning application and recent pre-application discussions, alongside comments raised by the Inspector in the 2013 KFC appeal decision. In particular, this includes:
- The inclusion of appropriate committed development sites;
  - The use of revised development trips;
  - The inclusion of Beaufort Way and the petrol station within the model;
  - Interrogation of the interaction between the proposed access and that of the petrol station access and Beaufort Way; and
  - The suitability of the Linsig software to model London Road, taking into account the one to three lane approach, and the inclusion of the petrol station/Beaufort Way access junctions.
- 9.90 The TA states that whilst it is clear therefore that whilst the junction does operate with delay and queuing during the weekday evening peak, there are opportunities to optimise the signals to rebalance the delay. This allows the development to be accommodated on the network without detriment to the overall operation of the signal junction.

- 9.91 Refusal reason 4 for the previous foodstore application stated that the additional traffic movements associated with the development will increase queuing and congestion on the A24 and A240 and as a result would have a severe impact on the surrounding highway network. The assessment of the revised scheme shows an increase in queuing on the A24 London Road arm, upon which the site access is located, although significant reductions in queuing on the by-pass. On this basis, the impact of the development is considered to be negligible.
- 9.92 The inclusion of not only the Lidl access, but also the petrol station access and Beaufort Way is shown to have no impact on the operation of the network. The existing 'keep clear' markings, alongside the gaps in traffic that will arise during the peak hour mean that no additional delay will be experienced.
- 9.93 It concludes that the assessment work carried out demonstrates how minor alterations to the signal timings of the junction can have the effect of mitigating the increase in traffic flow resulting from the proposals. Whilst this can be achieved through optimising the signals within the LinSig model, the junction itself could account for these changes through its UTC system.
- 9.94 The County Highways Officer commented as follows:

Parking

- 9.95 The previous application considerations clearly detailed that the level of parking provision was a key consideration in relation to the development proposal. It is noted that the overall size of the development has been reduced, with a Gross Internal Area (GIA) now proposed as 1,307m<sup>2</sup> (a reduction of 678sqm). However, the level of parking being proposed (53 customer car parking spaces and 4 staff parking spaces) is still significantly below the SCC parking standards. The floor area as proposed would require 93 car parking spaces at the maximum level, if the location is taken as a suburban then SCC would support the car parking numbers being reduced by 25 percent, to provide 70 car parking spaces. The applicant is not providing car parking levels commensurate to the parking standards and has applied a 40 percent reduction. SCC consider this an under provision of car parking for the proposed development in a suburban location, with low accessibility, offering limited alternative opportunities to undertake journeys by sustainable modes of transport.

- 9.96 In addition to the sub-standard parking levels, SCC outlined in the previous application, that the general layout and movement of vehicles seeking to enter and exit the proposed car park, via the new access off the A24 London Road had highway safety implications. The applicant has not sought to address this highway safety aspect, as the car parking layout remains almost identical. SCC highlight that the new access is very wide and prioritises vehicle movements over pedestrian movement, there is no internal or external stacking capacity being made available or proposed, the first car parking space is located only 10m from the entrance providing no stacking capacity. These aspects combined are considered to result in queuing taking place, which is considered to impact on the A24 London Road and the junction operations causing a highway safety impact and increasing congestion.
- 9.97 The Council's Transport Consultant commented as follows:
- 9.98 Surrey County Council requested in their pre-application consultation that car parking for the Lidl store on Leatherhead Road, Chessington (1,275m<sup>2</sup> GFA) and the Aldi store on Kingston Road, Ewell (1,523m<sup>2</sup> GFA) were surveyed to support this application. Information only for the Lidl store in Chessington was provided as Aldi did not provide consent for a survey.
- 9.99 The Lidl store on Leatherhead Road, Chessington was constructed in 2008 and is in a suburban location. There are 50 customer parking spaces, of which four are Blue Badge holder spaces and four reserved for parents with children. A further 2 staff parking spaces are provided on-site. This equates to approximately one parking space per 25m<sup>2</sup> floor space. Access to the site leads straight into the car park so there is no queuing lane capacity within the site to cope with peak demand, leading to significant queuing issues on Leatherhead Road.
- 9.100 A planning application for the extension to the car park to provide a further 24 parking spaces (planning reference 16/10029/FUL) to try and alleviate the significant queuing issues on Leatherhead Road was refused by the Royal Borough of Kingston upon Thames on 5th December 2016 as it would lead to the loss of two family dwellings. The Technical Note submitted with the application demonstrated that the car park was regularly at capacity and vehicles queue on Leatherhead Road waiting to enter. It should be noted that no reason for refusal was given with respect to transport or parking in this decision notice.
- 9.101 The Aldi store on Kingston Road, Ewell was constructed in 2015 and is in a suburban location with unrestricted parking permitted on surrounding residential roads. Although the planning application was for 61 spaces there are 59 marked car parking spaces provided, which equates to approximately one space per 25m<sup>2</sup> floor space. The car park for this store is also inadequate as queuing vehicles within the car park and on Kingston Road are a regular occurrence, causing significant capacity/safety issues on Kingston Road.

- 9.102 Due to the level of local concern raised by local residents at the Ewell store Epsom & Ewell Borough Council commissioned a survey at this location to obtain parking accumulation data within the Aldi car park and queuing within the laybys and on the lane of the A240 back from the Aldi store entrance on Saturday 15th July 2017 (8am to 10pm), Sunday 16th July 2017 (10am to 4pm), and Thursday 20th July 2017 (8am to 10pm). Schools in the area were still open during these dates but it is acknowledged that private schools were closed so there is likely to be less traffic on the highway network on these days.
- 9.103 It is clear from the surveys undertaken that the Aldi, Ewell car park has insufficient capacity with up to 20 vehicles recorded within the car park over and above the number of parking spaces that are provided on-site. The inadequate parking provision within the Aldi store car park is also leading to traffic significant congestion on Kingston Road.
- 9.104 Both the Lidl store in Chessington and Aldi store on Kingston Road, Ewell provide 1 car parking space per 25m<sup>2</sup>. However, it is evident for both stores that this level of car parking is woefully inadequate. The surveys undertaken for the Aldi store in Ewell demonstrated that the car parking provision was some 20 spaces short of the demand (excluding those waiting on the carriageway to enter).
- 9.105 The Car Parking Management Plan (CPMP) aims to restrict duration of stay for 90 minutes. The applicant states that the average duration of stay of customers is less than 30 minutes so the restriction imposed in the CPMP will not increase the turnover of spaces within the site.
- 9.106 It is therefore considered appropriate that the full 70 car parking spaces (1 space per 19m<sup>2</sup> GFA) should be provided at the proposed Lidl store at the Organ & Dragon Public House site in order to ensure that traffic safety is not compromised due to vehicles queuing back onto London Road.
- 9.107 Officers therefore conclude that the proposed car parking provision within the site would not be sufficient to accommodate the demands of staff and customers of the store. This would lead to queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction.

Servicing



9.108 The applicant has revised the service approach to the site, this has now been relocated closer to the new site access. In a review of the swept path analysis submitted (Ref: 010002 Rev B, dated Oct 17) for the revised servicing proposal, SCC raise an objection. Any service vehicle accessing the site, from a small box van through to the largest articulated vehicle, would cause congestion, both on the highway network with the tight turn into the site and then within the site as this would block the car park whilst the vehicle manoeuvres in/out of the loading bay. No other vehicle would be able to enter (or exit) the site whilst this activity was being undertaken, causing queuing and congestion on the A24 London Road. The applicant has responded on this aspect by indicating that a service management plan could be secured to address this concern. SCC are not of the opinion that this could be suitably managed and would create a highway safety impact, as only one service vehicle accessing the site would cause problems.

9.109 The Council's Transport Consultant commented as follows:

9.110 Appendix G of the TA shows the delivery vehicle using the whole width of the vehicular access to enter the site and stopping on the pedestrian crossing to the store on the side of the internal access road in the path of oncoming drivers before reversing back into the delivery bay. This relies on the vehicular access and the first section of access into the site containing 10 car parking spaces being kept clear to undertake this manoeuvre. In addition the delivery vehicle over-hanging the centre line of the road on Kingston Road to turn left into the site. The drivers approaching the traffic signal controlled junction on the A24 queue two abreast at this point so there is limited scope for the delivery driver to pass over the centre line, forcing the delivery driver to wait on carriageway until the opposing lane is free of traffic, thereby blocking the A24.

9.111 At most food retail stores it is recognised that deliveries can take place outside peak times and an area of car park is regularly coned off to allow the heavy goods vehicle to manoeuvre safely on-site. However, in those instances the delivery bay is located away from the vehicular access to the site so no conflict can occur between customers arriving and leaving. The proposed arrangement is unsatisfactory and has the potential to severely compromise safety and block the access/A24 whilst the delivery vehicle manoeuvres into the loading bay.

9.112 There is also the concern that the TA refers to servicing taking place outside peak hours, however, there is no Service Management Plan to demonstrate how effective this arrangement would be. It is shown in the parking section that follows, that demand at such food stores is high on a Sunday and during a weekday morning in addition to the time periods that were considered in the TA. Only servicing outside store opening hours (which would lead to amenity issues such as noise and disturbance to surrounding residents) would be the effective means of ensuring highway safety is not compromised.

9.113 Officers therefore concur with the views of the Highway Authority and our Transport Consultant that the revised layout in connection to servicing would cause a conflict of traffic movements at the entrance to the store close Kingston Road and would cause severe safety concerns, contrary to Policy CS16.

*Sustainability and Accessibility*

9.114 The site is considered to have a generally low level of accessibility, having only a limited range of local facilities and access to alternative sustainable transport modes, particularly public transport.

9.115 Currently there is only 1 bus service that passes the development site, on the eastern side, route number 293, with bus stops available within 200metres of the site. This service provides access to Epsom and Morden.

9.116 The site is not considered to have access to any railway station accessible within 1kilometre, as the closest, Ewell West, is over 1.1 kilometres from the site, which is considered to be beyond a reasonable walking time to be accessible for the proposed development.

9.117 The location of the site and the accessibility to public transport and sustainable modes of transport are an influence on the parking provision considerations, as outlined in the NPPF and the Core Strategy.

9.118 The Council's Transport Consultant commented as follows:

9.119 The proposed vehicular access to the site from the A24 London Road as shown in Appendix F of the TA is to be some 9m in width. This distance is considered to be excessive to Surrey County Council (pre-application response) as a pedestrian island within the centre would normally be provided. However, it is not feasible to install a pedestrian island as a full 9m width is required in order to accommodate the left turn in of service vehicles. Even this movement shows the body of the delivery vehicle passing over the centre line of the A24. The applicant is proposing a raised table at the junction to give priority to pedestrians crossing the access. However, this will not fully address the needs of pedestrians crossing the access and leave them vulnerable.

9.120 The London Road approach on the opposite side of the Ewell By-Pass to the site does not have pedestrian crossing facilities. Appendix M of the TA shows pedestrian crossings to be installed within the traffic signal controlled junction as part of the development proposals.

9.121 It does not appear that the delay to traffic associated with the new pedestrian crossings to be installed on London Road has been taken into consideration in the traffic modelling carried out within the TA.

- 9.122 The additional information provided by the applicant does not include existing pedestrian count data to show how many pedestrians currently pass along the footway of A24 London Road along the site frontage, or across each arm of the signal controlled junction. Furthermore, no safety audit has been carried out to demonstrate that the raised table across some 9m length of vehicular access would be appropriate.
- 9.123 Officers concur with the Highway Authority that it has not been demonstrated that pedestrian movements to and from the store have been adequately catered for causing detriment to the safety and convenience of pedestrians contrary to Policy CS16

Trip Generation

- 9.124 In pre-application discussion, SCC requested that additional surveys were undertaken by the applicant to support the trip generation considerations and car parking provision. The two sites that SCC specifically requested were Lidl in Chessington and Aldi on Ewell By-pass, both sites being budget supermarkets of similar size. It is noted that the applicant has undertaken only one additional survey. It is noted that a TRiCS compliant survey has been carried out at the Chessington Lidl, only this single survey has been used in the trip generation assessment and car parking considerations. SCC consider that using one survey in isolation, when other similar closer sites are available, does not represent a robust assessment on which to assess the trip generation and associated car parking impacts. SCC note that the closer Aldi store has not been surveyed. In addition, the surveys were requested to respond on the car parking demand, but no commentary has been included on this aspect for the day of the survey at the Lidl store in Chessington. As a result, SCC remain of the opinion that the traffic generation and car parking provision is being underestimated.
- 9.125 The Council's Transport Consultant commented as follows:
- 9.126 As mentioned in the parking section above, Epsom & Ewell Borough Council commissioned a survey at the Aldi, Kingston Road, Ewell site. The survey shows that on Saturday 15th July 2017 there were 125 arrivals and 103 departures between 11am and midday. The Aldi store has a net sales area of 1,000m<sup>2</sup> so there would be 83 arrivals and 68 departures for the proposed Lidl store (662m<sup>2</sup>) using the same principle of traffic attraction set out in the TA. This is clearly more than the traffic attraction predicted in the TA and also the number of vehicles entering the site far exceeds the number of customer car parking spaces on-site.
- 9.127 It is clear that the number of movements that are likely to be attracted to the store at this location close to the junction is a matter of concern. This is considered further in the Junction Capacity Assessment comments below.

- 9.128 In addition to the above, there are assumptions on the number of pass-by and diverted trips within the TA, which rely on the TRICS Research Report 14/1 'Pass-By and Diverted Trips Report'. The percentage of pass-by trips in the TA is 12%, and it is unclear how that figure was reached. Section 6 of TRICS research report 14/1 bases their pass-by assumptions on four papers.
- 9.129 It appears that none of the papers included in TRICS research report 14/1 above can be applied to discount food stores and are unreliable for use within Transport Assessments to assign pass-by trips for this land use. The level of pass-by trips needs to be given further consideration by the applicant to provide assurance that the 12% predicted for the purpose of this development is reasonable. Any change to the pass-by trips on the network would have an impact on the junction capacity assessment.

Traffic Impact Junction Capacity Assessment

- 9.130 With the concerns noted above in connection to the approach adopted to the trip generation, these figures have been used to inform the development impacts on the highway network. The applicant has undertaken an assessment using the trip generation figures and added these onto the future 2023 highway network. SCC note in the analysis, that a level of background growth has been applied using a TEMPRO factor to increase the background traffic volumes to allow for traffic growth up to the predicted development completion year of 2023, as well local committed developments. SCC highlight that TEMPRO is an acceptable approach to adopt and is common where 'standard' peak periods are being assessed. In this application TEMPRO has been applied to the PM peak period being modelled, however, SCC question how the Saturday growth has been derived as no growth factor has been noted for a Saturday off-peak period.
- 9.131 To assess the impact of the proposed development, the applicant has undertaken a LINSIG traffic model assessment for the "Organ Inn"(application site) signal-controlled junction. SCC Traffic Modelling team have undertaken an audit of the LINSIG model and highlighted a number of aspects that required attention. These elements can be addressed, however, SCC would identify that these amendment would significantly change the results being predicted. A detailed review of the results has identified that the "Organ Inn" would continue to experience congestion issues and operate above capacity with the proposed development in place and although some mitigation is suggested with signal optimisation, this would not address the concerns of SCC, in particular queuing would be increased on A24 London Road and on the A24 Kingston By-pass.

9.132 The use of LINSIG for a signal-controlled junction is acceptable in the majority of situations. Where this approach can differ is where a complex junction is in operation and/or the junction is subject to capacity issues. SCC highlighted that a previous planning Inspector decision identified this junction as representing a complex layout with a number of uncontrolled accesses and the proximity of the keep-clear markings on London Road. The applicant has responded on these points by highlighting that the use of LINSIG is an industry standard approach and has included three further access points within the model, covering Beaufort Way, Petrol Filling Station and the new proposed Lidl access. Although LINSIG is a recognised traffic signal modelling programme, SCC highlight that the approach adopted by the applicant does not respond in full to these specific concerns and the implications on highway safety, with the increase in vehicle movements at this junction remain.

9.133 The Council's Transport Consultant commented as follows:

9.134 It has been established that the trip attraction to the application site is predicted to be lower than it should be taking into consideration the traffic flows experienced at the Aldi, on Kingston Road, Ewell. This means the junction capacity assessment included in the TA underestimates the impact that the development will have on the highway network.

9.135 Furthermore, the traffic modelling undertaken for the development does not take into consideration the following:

- The LinSig model is not appropriate for assessing the site as it cannot take into consideration the movements within the Lidl car park; and
- The LinSig model queues do not reflect the queues for the A24 London road/A240 Ewell Bypass on the highway network.

9.136 It is not possible to model the interaction between a car park (cars parking, pedestrian movements etc.) and road network capacity using the LinSig software. Any vehicles stopping or queuing within the site to wait for a free parking space has the potential to block the access into the site from London Road and therefore lead to queuing on London Road and the junction with the Ewell By-Pass, which will have a detrimental impact on the free-flow of traffic and road safety. A microsimulation model of the proposed access would be the only way of assessing the car parks interaction with the existing adjacent signal controlled junction given the complexity of the traffic movements.

9.137 The LinSig model is showing there will be no queues at the vehicular access to the Lidl store, which is unrealistic. Particularly as a LinSig model was used for assessing the impact for the Aldi store at Kingston Road, Ewell and this revealed that queuing would not occur at the site access. This clearly demonstrates the model is unreliable for the assessing the impact of such developments.

- 9.138 The LinSig model is predicting queues of up to 41 passenger car units (pcus) on the A24 London Road, Ewell. The queue counts undertaken by the survey company (Appendix C of the TA) is showing the queue back from the junction of the Ewell By-Pass reached 60 vehicles. There is a significant underestimation of the queues that will be experienced on the A24 London Road within the LinSig model as a consequence. The objection by TPS on behalf of Asda contains a diagram showing the number of pcus that can be accommodated back from the traffic signal controlled junction of the Ewell By-Pass.
- 9.139 The distance required for 60 cars to queue is 360m (6m per vehicle). The junction of Ewell Park Way is approximately 260m from the junction, which could accommodate 43 vehicles in the queue (which is about the distance that the LinSig model is predicting). Photographic evidence clearly shows that queuing on the A24 London Road exceeds this distance.
- 9.140 Residents in the area have indicated that the queues regularly reach as far as Briarwood Road, some 800m from the signal controlled junction of the Ewell By-Pass. This equates to around 133 cars in the queue. The live traffic situation on A24 London Road using Google Map shows that the queue of traffic reached Briarwood Road at 3.50pm on Thursday 24th January 2019 (Figure 4) confirming this fact. It is clear that this carriageway is having to operate beyond capacity on a regular basis both inside and outside the peak highway network time periods.
- 9.141 It is recommended that the traffic attraction to the site is reviewed taking into consideration the Aldi, Kingston Road, Ewell traffic flows and a microsimulation model is used to assess the signal controlled junction with new pedestrian crossings installed on London Road, petrol filling station, Beaufort Way and the proposed site access. In addition the queues are such that they enter other adjacent junctions/road in the immediate area and as such should also be incorporated into a larger network model.
- 9.142 Surrey County Council's recommendation for refusal on the following grounds "The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queuing and congestion on both roads and as a result, will have a severe adverse impact on the safety, and efficiency of traffic on the surrounding highway network" is therefore supported.

#### Sustainability/Energy Efficiency

- 9.143 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.

- 9.144 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency.
- 9.145 The applicants submit that overall Lidl's environmental policy represents a conscious effort to reduce carbon emissions through responsible and considerate operating procedures. Key features of this policy are listed as-
- For energy saving reasons Lidl's choice of store heating systems are highly efficient condensing boilers which recover waste heat from the combustion process. All heating is regulated by sensors, Lidl aim for checkout areas to be heated to 21 degrees, sales areas to 19 degrees, welfare areas to 21 degrees and storage areas to 13 degrees. The average gas consumption is 100.000 kWh per annum.
  - The lighting in the sales, storage and welfare areas are controlled by movement sensors, which means that lights only turn on when the space is in use and therefore not left on unnecessarily. The sales area uses full lighting during trading hours and cuts back to one third lighting before and after trading hours to allow for re-stocking of the store. Electricity consumption is 150.000 kWh per annum.
  - Water consumption is carefully monitored and on average is limited to 13 cubic metres per month (156 cubic metres per annum).
  - A Building Management System and LUX sensors power the external lighting. This means that lights are only on when necessary during dark periods and ensure that lights do not remain on later than 1 hour after the store closes.
- 9.146 The applicants submit that the proposed development would be built to the "highest specifications" with enhanced insulation levels and sustainable construction technologies and eco-friendly systems incorporated into the building design. The BREEAM Pre-Assessment Report submitted in support of the application addresses sustainability issues bearing on the proposed development and gives the development a target score from the preliminary assessment of 56.78% or a Very Good rating. A condition requiring implementation of sustainability measures should be imposed on any permission granted
- 9.147 It is therefore concluded that the proposal would conform with National Planning Policy and Policy CS1 and CS6.

#### Landscaping

- 9.148 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.
- 9.149 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.
- 9.150 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.
- 9.151 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.
- 9.152 Indicative landscaping is shown in the north western corner of the site (adjacent to the flank boundary with No 153 Ewell By Pas), and around the edge of the car parking area along the Ewell By Pass and facing the London Road junction. A "green wall" would be provided to part of the north western flank elevation of the new building.
- 9.153 The proposed landscaping (albeit indicative) is sparse and would do little to provide effective screening to the new building or provide "green "relief to the junction which would be dominated by cars. There are only narrow planting strips provided to the edge of most of the parking bays facing the road. When taking into account haunching for kerbs and edging there would be little capacity for sufficient soil volumes to establish decent scrubs and trees. The Council's Tree Officer recommends that the planting strip should be at least 2m wide and a number of parking bays removed to provide off set landscaping (There is a strong case for tree planting and vegetation designed into this scheme to mitigate atmospheric particulates )



- 9.154 The provision of adequate landscaping would however require a material amendment to the overall scheme, which would not be satisfactorily achieved or secured by an appropriate condition. Future management of the proposed green wall could be secured via an appropriate planning condition.
- 9.155 The proposal would therefore not comply with National Planning Policy and Policy DM5.

#### Flood Risk

- 9.156 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.
- 9.157 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.
- 9.158 The proposed development site falls within the Flood Zone 1. (Low probability –NPPF Flood Zone classifications). ). As such, the proposal is not within an area at risk of flooding, in conformity with paragraph 163 of the NPPF The nearest area of Flood Zone 2 and 3 is located approximately 800 m west of the site.

9.159 The applicant has provided indicative details of a Sustainable Drainage System (SuDS) which Surrey County Council, the Lead Local Flood Authority (LLFA) have found unacceptable. They recommend a number of changes to the proposed surface water strategy to comply with the requirements laid out under the Technical Standards. It is considered that the changes could be undertaken and that rather than refuse the current application on this ground, if the current application is granted permission, appropriate conditions (as recommended by the LLFA) to ensure compliance with the Technical Standards should be imposed.

9.160 Subject to appropriate conditions, the proposal would comply with Policy CS6

#### Ecology

9.161 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.

9.162 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.

9.163 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.

9.164 The existing site, following demolition of the Public House, is currently unused brownfield land, and the ecological value of the site is considered to be negligible.

9.165 The proposed scheme would incorporate a landscaped buffer along the north west boundary, a green wall to part of the north western flank elevation, as well as a landscaped amenity space to the west of the new building which would further enhance biodiversity.

9.166 The proposal is therefore, on balance, considered to enhance the ecological value of the site, in conformity with National Planning Policy and Policy CS3.

Community Infrastructure Levy

9.167 The scheme would not be CIL liable.

## 10 Conclusion

10.1 The proposed scheme has not successfully addressed the previous grounds for refusal. It would not represent sustainable development, and the new building would be of poor, generic design and would fail to improve the character and quality of the surrounding area, an issue to which the NPPF gives great weight. It has also been concluded that the development would have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site.

10.2 Accordingly, the application is recommended for REFUSAL

## 11 Recommendation

11.1 Planning permission is refused on the following grounds:

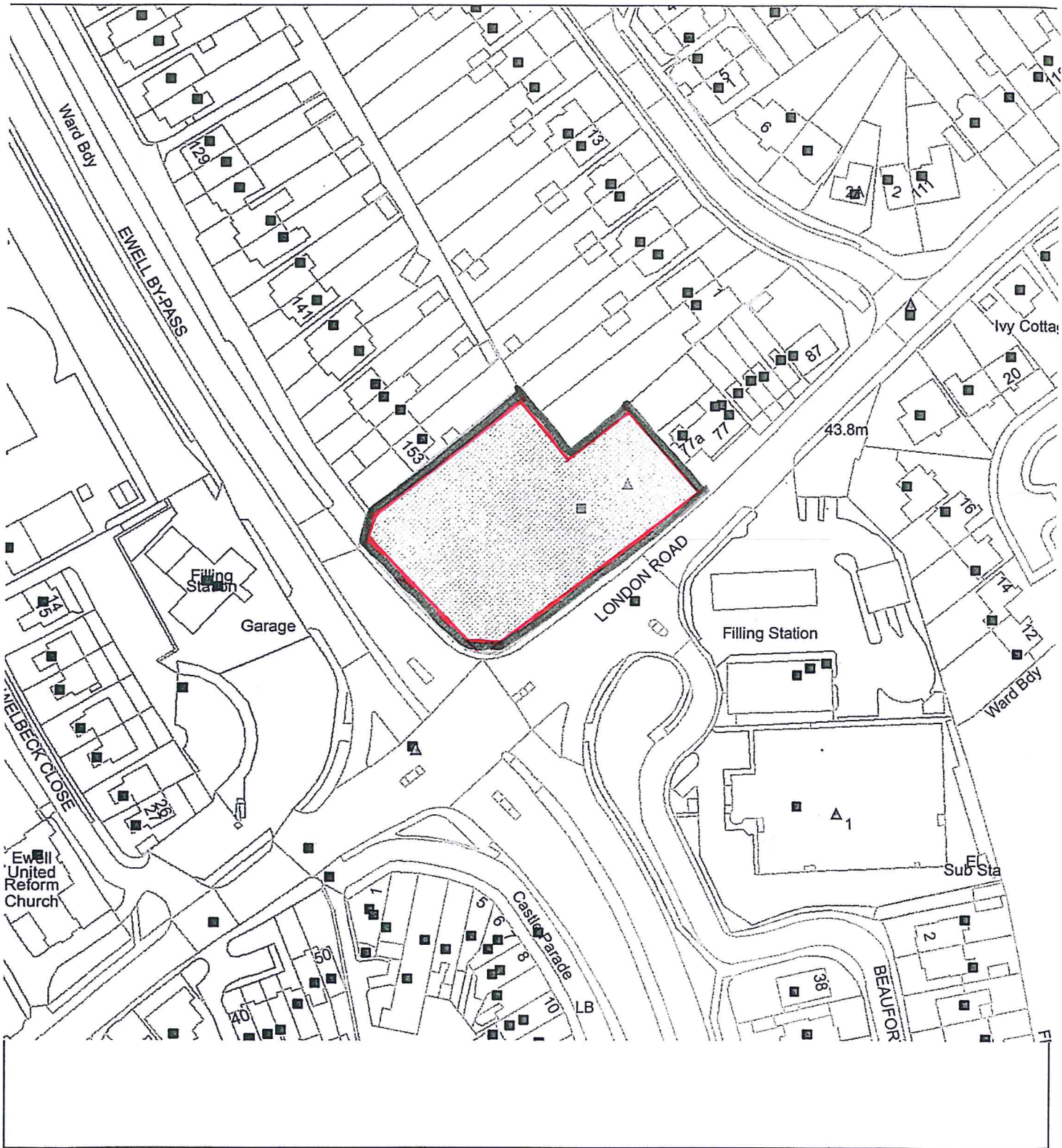
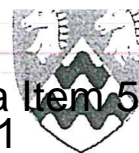
- (1) The proposed development's car parking provision is considered to be insufficient to accommodate the demands of the staff and customers of the store which is considered to result in queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction which would result in a highways safety issue contrary to the NPPF (2019) and Policy CS16 of the Core Strategy 2007.**
- (2) It has not been demonstrated to the satisfaction of the County Highway Authority, that pedestrian movements to and from the store have been adequately catered for, causing detriment to the safety and convenience of pedestrians in the local neighbourhood who may be discouraged from walking to the store because of the lack of crossing facilities, minimal footway widths and car focused access to the store and on the A24 London Road particularly at the traffic signals resulting in a highways safety issue contrary to the NPPF (2018) and Policy CS16 of the Core Strategy 2007.**
- (3) The internal car parking and servicing layout would cause a conflict of traffic movements at the entrance to the store close to Kingston Road causing severe safety concerns. The approach to servicing in terms of access to enter and exit would increase queuing and congestion at the very busy A24 junction resulting in a highways safety issue contrary to the NPPF (2018) and Policy CS16 of the Core Strategy.**
- (4) The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queuing and congestion on both roads and as a result, will have a**

**severe adverse impact on the safety, and efficiency of traffic on the surrounding highway network contrary to the NPPF (2018) and Policy CS16 of the Core Strategy 2007.**

- (5) The proposed building by reason of its unacceptable and generic design would fail to contribute to the character and local distinctiveness of the immediate area and would have a detrimental impact on the streetscene, contrary to the NPPF (2018) and Policy DM9 and DM10 of the Development Management Policies Document 2015, and in accordance with para 130 of the NPPF**
- (6) The proposed development's landscaping scheme is inadequate and would fail to contribute to the character and local distinctiveness of the immediate area and would have a detrimental impact on the streetscene, contrary to the NPPF (2018) and Policies DM5, DM9 and DM10 of the Development Management Policies Document 2015.**
- (7) The unacceptable design, landscaping and impact on the transport network of the proposed development ensures that the proposed development would not represent sustainable development and thereby by contrary to the NPPF (2018) and Policy CS1 of the Core Strategy 2007.**

**Informative:**

- (1) In line with the requirements of paragraph 38 of the National Planning Policy Framework 2018, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.**



Scale : 1:1300

Date	04 February 2019
Comments	
SLA Number	71

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## Development Site at Old Salesians Ground, Old Schools Lane, Ewell, Surrey

Amendment to the S106 Agreement, Planning Permission 15/00845/FUL. The amendments sought includes removing the requirement to provide pavilion foundations and amending the layout of the affordable housing units within the scheme.

<b>Ward:</b>	<b>Ewell Ward;</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

### 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P78L1GY0BY00>

### 2 Summary

- 2.1 Planning permission was granted on 7 June 2016 at Old Salesians Ground for the demolition of existing buildings and the erection of a part 2/part 3 storey building, to be used as a 60 unit Extra Care Facility (Use Class C2) (ref: 15/00845/FUL). A S106 Agreement accompanies this application, dated 06 June 2016.
- 2.2 This application seeks to make an amendment to the S106 Agreement, attached to Planning Permission 15/00845/FUL. The amendments sought includes removing the requirement to provide pavilion foundations and amending the layout of the affordable housing units within the scheme.
- 2.3 So as to ensure the proposal achieves the objectives of National and Local Planning Policy, the applicant has provided a justification detailing how the proposal would secure sports and community facilities. The applicant has also set out a reasoning as to why the affordable housing units should be reconfigured within the scheme and the circumstances as to why this is necessary. The proposed amendments to the S106 Agreement have been carefully considered and on balance it is recommended that a deed of variation to the s106 agreement should be prepared.

### 3 Site description

- 3.1 The Application Site ('Site'), otherwise referred to as Old Salesians Ground, is located on Old Schools Lane, to the North West of Ewell Village Centre.
- 3.2 The Site formally comprised playing fields. Planning permission was granted on 7 June 2016 for the demolition of existing buildings and the erection of a part 2/part 3 storey building, to be used as a 60 unit Extra Care Facility (Use Class C2) (ref: 15/00845/FUL).
- 3.3 Development has commenced on Site. The Care Accommodation comprises three blocks. Block A is built and Blocks B and C are built to second floor level.
- 3.4 The Site is located within the Ewell Village Conservation Area.

### 4 Proposal

- 4.1 Planning permission was granted on 7 June 2016 at Old Salesians Ground ('Site') for the demolition of existing buildings and the erection of a part 2/part 3 storey building, to be used as a 60 unit Extra Care Facility (Use Class C2) (ref: 15/00845/FUL). A S106 Agreement accompanies this application, dated 06 June 2016.
- 4.2 The formal description of development for the approved Full Planning Permission is as follows:

*“Demolition of existing buildings. Erection of a part 2/part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all-weather surface, the erection of a two storey pavilion and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane. (Amended drawings received 11.11.2015)”*

- 4.3 This application seeks to make two amendments to the S106 Agreement, dated 06 June 2016, attached to Planning Permission 15/00845/FUL. These amendments are detailed below.

#### *Pavilion*

- 4.4 This application seeks to amend the definition of “Sports Facilities”, as stipulated under Clause 1 (Definitions and Interpretation), paragraph 1.1 of the S106 Agreement.
- 4.5 The S106 Agreement sets out that “Sports Facilities” means the sports pitches described in the Application and authorised by the Planning Permission and the following items:



- (1) All floodlighting and ball catch fencing
- (2) The Pavilion foundations and the sports car park and access road
- (3) Temporary changing facilities

4.6 This application seeks to amend (point 2 above) to state the following:

***“The Pavilion Foundations site for the Pavilion shall be cleared, levelled and services extended to the site and the sports car park and access road”.***

4.7 This application seeks to remove the requirement of laying the pavilion foundations. Instead, it is seeking to clear and level the pavilion site, with services running to it.

4.8 By way of background, Condition 18 of the Full Planning Permission (15/00845/FUL) sets out that prior to the occupation of the new sports pavilion, details of the floodlighting to the all-weather pitch shall be submitted to and approved in writing by the Local Planning Authority and the floodlighting or external lighting scheme has been installed, maintained and operated in accordance with the approved details.

4.9 Condition 19 of the Full Planning Permission (15/00845/FUL) sets out that prior to occupation of the new sports pavilion, details of the opening hours and use shall be submitted to and approved in writing by the Local Planning Authority.

4.10 There is not a planning condition which secures the pavilion at the point of development.

*Affordable Housing*

4.11 The application seeks to “pepper pot” the affordable housing units throughout the scheme. This application is seeking to replace the drawings approved within Schedule 3 of the S106 Agreement (The Affordable Housing Plans) with a new proposed drawing. The proposed drawing alters the location and floor areas of the affordable housing units.

4.12 For clarity, the drawings currently approved within Schedule 3 of the S106 Agreement (The Affordable Housing Plans) and the drawing proposed is set out in the below table:

Existing		Proposed	
Ground Floor Affordable Units	23922/P113	Plot Numbers Plan	00-ML-PL-A-GO-501 Rev C
First Floor Affordable Units	23922/P114		

Second Floor Affordable Units	23922/P115		
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## 5 Comments from third parties

5.1 Consultation or notification is not required for an application to amend an approved S106 Agreement.

## 6 Consultations

6.1 None required.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
18/01007/COND	30.10.2018	Details pursuant to Condition 23 (Drainage layout) of planning permission 15/00845/FUL	Granted
18/00769/NMA	16.11.2018	Provision of Temporary changing facilities and storage for sports club for use before permanent pavilion is built	Withdrawn
15/00845/FUL	07.06.2016	Demolition of existing buildings. Erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all weather surface, the erection of a two storey pavilion and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane. (Amended drawings received 11.11.2015)	Granted

## 8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Core Strategy 2007

Policy CS9 Affordable Housing and meeting Housing Needs  
Policy CS13 Community, Cultural and Built Sports Facilities

Development Management Policies Submission Document November 2014

Policy DM34 New Social Infrastructure

Revised Developer Contributions Supplementary Planning Document 2014

Chapter 9 Affordable Housing Design Requirements

## 9 Planning considerations

Matters material to the planning permission 15/00845/FUL

On the 14<sup>th</sup> January 2016 the Planning Committee considered the proposed development, and supported the officer recommendation for conditional permission, subject to the referral of the matter to the Secretary of State due to the proposal being a departure from the development plan, due to the loss of playing pitches.

Considering the officer report and recommended conditions the Secretary of State took the view that this was not a matter which he wished to call in and that it was a local matter to be considered and determined locally.

The applicant made the case that they were working with Epsom Sports Club, which continues to be the case, to ensure the re-provision of playing pitches meets their needs.

As such the proposal was granted planning permission and the s106 legal agreement which was required to secure the affordable housing and sporting facilities was prepared and finally engrossed with permission being granted on 7<sup>th</sup> June 2016.

In deciding to support the officers recommendation Members had regard to the justification in the report and conclusions which included securing new affordable housing residential accommodation for the elderly and the provision of three new playing pitches which met the needs of the Epsom Sports Club.

At the time of considering the proposal the applicant advised that piled foundations were likely to be required due to the ground conditions. Detailed investigations into the ground conditions which ordinarily follow receipt of planning permission led to a revised footing design, with strip footings instead of piled footing.

The s106 Legal Agreement was prepared on the basis that at the time it was considered that should piled footings be required for both the housing and pavilion, they should be constructed at the same time so as to not lead to impacts on structures, foundations or the like.

The rationale for including the foundations in the definition for sporting facilities was a practical one, as it in no way in itself secures the Pavilion, rather it secured the intentions of the developer.

The s106 Legal Agreement separately requires the Pavilion to be provided within 10 years from lawful commencement, and this provision would not be altered by way of this application.

In considering the proposal the assessment report did not give any weight to the timing or type of foundations required for the Pavilion. In conclusion the proposal to amend the legal agreement does not materially alter the permission and resultant development.

#### Built Sports Facilities

- 9.1 Chapter 8 of the National Planning Policy Framework (NPPF) (2018) promotes healthy and safe communities.
- 9.2 Paragraph 91 of the NPPF sets out that planning decisions should aim to achieve healthy, inclusive and safe places, which (inter alia) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. For example, through the provision of accessible green infrastructure and sports facilities.
- 9.3 Paragraph 92 of the NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should (inter alia) plan positively for the provision and use of shared spaces and community facilities.
- 9.4 Paragraph 96 of the NPPF sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 further states that existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 9.5 Policy CS13 (Community, Cultural and Built Sports Facilities) sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old, will be resisted. The provision of new community, cultural and built sports facilities, and the upgrading of those existing, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities.
- 9.6 Policy DM34 (New Social Infrastructure) sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it is (inter alia) delivered, where practicable, in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which encourage dual use and increase public access.

- 9.7 Within the S106 Agreement's "Definitions and Interpretation" (Clause 1, Paragraph 1.1) "Sports Facilities" is defined as including the pavilion foundations. This application is seeking to remove the requirement of laying the pavilion foundations. The accompanying cover letter sets out two reasons for this:
- An assumption was initially made that the Extra Care Facility and Pavilion would be constructed on piled foundations and to construct both buildings together would reduce costs. However, piling was not required for the Extra Care Facility and it is unlikely to be required for the Pavilion. Therefore, there is considered no advantage in constructing both buildings together.
  - The detailed design of the pavilion cannot be finalised as the exact requirements of the occupier are not known. The S106 Agreement's requirement for foundations will remove the flexibility to amend the design of the pavilion in the future. The applicant has constructed the playing pitches and established a management arrangement with Epsom Sports Club, further demonstrating the intention for the Pavilion to be provided within the 10 year window.
- 9.8 National and Local Planning Policy supports the retention of sports grounds. However, where development is granted on sports grounds, Policy requires the replacement of equivalent or better sports provision, in terms of quantity and quality in a suitable location. The S106 Agreement that accompanies the approved application (15/00845/FUL) clearly sets out a requirement for pavilion foundations, however also the requirement for the Pavillion within 10 years from commencement of the development, which effectively future proofs the provision of this sport and community facility.
- 9.9 It is considered that the application would not materially alter the requirement for the pavilion to be provided and therefore not be contrary to the NPPF. There is uncertainty around the funding and delivery of the Pavilion however this was the case when the Planning Committee considered the original proposal.
- 9.10 In summary, the removal of the requirement to provide pavilion foundations is considered to not materially change the mechanism to secure the pavilion and is therefore in accordance with the objectives of National and Local Planning Policy.

#### Affordable Housing

- 9.11 Chapter 5 of the National Planning Policy Framework (NPPF) (2018) encourages the delivery of affordable housing on-site. It expects at least 10% of homes to be available for affordable home ownership on major developments (subject to exemptions).

- 9.12 Policy CS9 (Affordable Housing and meeting Housing Needs) of the Core Strategy (2007) sets out that new housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities.
- 9.13 Policy CS9 further sets out that residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.
- 9.14 Supporting paragraph 3.12.11 of Policy CS9 sets out that other than in exceptional circumstances, the provision of the affordable housing should be made on site.
- 9.15 Paragraph 9.1 of the Revised Developer Contributions Supplementary Planning Document (2014) sets out that the Council expects affordable housing to be well integrated with market housing. The site layout and detailed design should allow for different kinds of housing to be in close proximity to one another. Large groupings of single-tenure/single-type dwellings should be avoided.
- 9.16 24 one bedroom Affordable Rented Units were agreed as part of the approved Planning Permission. These are split as follows:
- 8 x 1 bedroom affordable apartments at Ground Floor
  - 8 x 1 bedroom affordable apartments at First Floor
  - 8 x 1 bedroom affordable apartments at Second Floor.
- 9.17 The proposed affordable housing mix, in accordance with Drawing 00-ML-PL-A-GO-501 Rev C is as follows:

Ground Floor			
Plot No 01	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 02	Flat Type 01B	1B2P	58.6m <sup>2</sup>
Plot No 08	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 09	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 15	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 16	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 19	Flat Type 01	1B2P	58.7m <sup>2</sup>
Plot No 20	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 21	Flat Type 01	1B2P	58.6m <sup>2</sup>
First Floor			
Plot No 22	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 28	Flat Type 01	1B2P	58.6m <sup>2</sup>

Plot No 31	Flat Type 01A	1B2P	58.7m <sup>2</sup>
Plot No 32	Flat Type 01A	1B2P	58.6m <sup>2</sup>
Plot No 33	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 34	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 35	Flat Type 01B	1B2P	58.6 m <sup>2</sup>
Plot No 41	Flat Type 01	1B2P	58.6m <sup>2</sup>
Second Floor			
Plot No 42	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 51	Flat Type 01A	1B2P	58.7m <sup>2</sup>
Plot No 52	Flat Type 01A	1B2P	58.6m <sup>2</sup>
Plot No 53	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 54	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 55	Flat Type 01	1B2P	58.6m <sup>2</sup>
Plot No 61	Flat Type 01	1B2P	58.6m <sup>2</sup>

- 9.18 This application seeks to “pepper pot” the affordable housing units across the scheme. To enable this, the existing S106 Agreement is required to be amended, by substituting the approved drawings with revised drawing: 00-ML-PL-A-GO-501 Rev C.
- 9.19 The supporting Cover Letter sets out that spreading affordable housing units throughout the scheme would allow for greater integration between residents and a better mix. Paragraph 9.1 of the Revised Developer Contributions Supplementary Planning Document (2014) sets out that the Council expects affordable housing to be well integrated with market housing. Indeed, spreading the affordable housing within the scheme would comply with this objective. The applicant has explained that their understanding of the social landlord requirements has led to the ability for these to be pepper potted and as such this desirable amendment is proposed.
- 9.20 In summary, it is considered that the applicant has provided significant reasoning and justification for the reconfiguration of affordable housing units within the scheme and the implications of doing so.

#### Community Infrastructure Levy

- 9.21 Epsom and Ewell Borough Council acknowledged receipt of CIL on 25 October 2018. This was based on the approved scheme (15/00845/FUL).

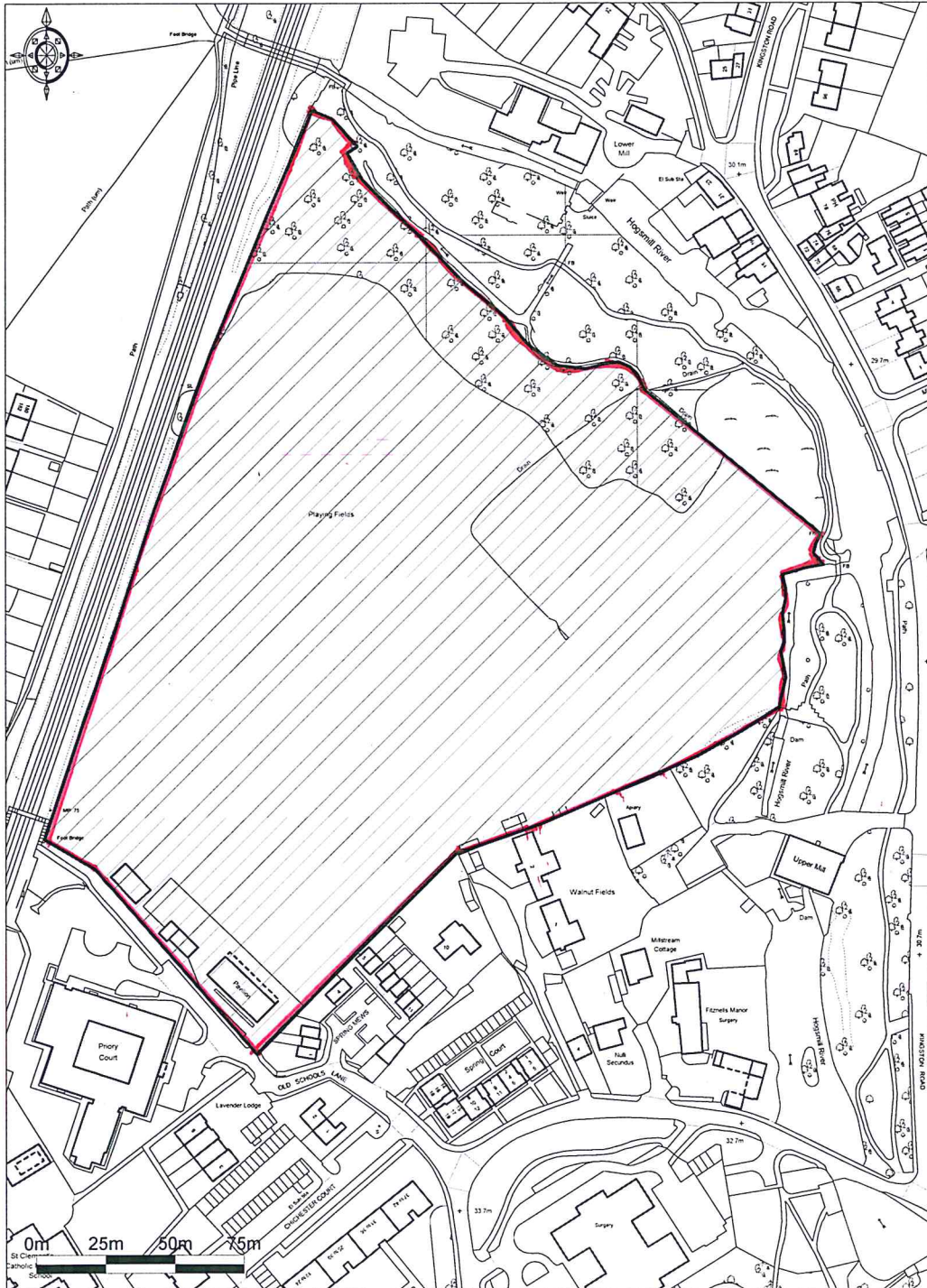
## **10 Conclusion**

- 10.1 Planning permission was granted on 7 June 2016 at Old Salesians Ground for the demolition of existing buildings and the erection of a part 2/part 3 storey building, to be used as a 60 unit Extra Care Facility (Use Class C2) (ref: 15/00845/FUL). A S106 Agreement accompanies this application, dated 06 June 2016.
- 10.2 This application seeks to make an amendment to the S106 Agreement, attached to Planning Permission 15/00845/FUL. The amendments sought includes removing the requirement to provide pavilion foundations and amending the layout of the affordable housing units within the scheme.
- 10.3 The removal of the pavilion foundations is considered to accord with the objectives of National and Local Planning Policy, and not undermine the original reasoning for granting the planning permission. The pavilion building would still be secured under the original terms of the S106 within 10 years from commencement on site.
- 10.4 It is considered that the applicant has provided robust reasoning as to why the affordable housing units should be reconfigured within the scheme.
- 10.5 In summary, the proposed amendments to the S106 Agreement are favourably considered.

## **11 Recommendation**

- 11.1 Amendments to the S106 Agreement, dated 06 June 2015, attached to Planning Permission 15/00845/FUL be made as set out in this report.





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Site location plan

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## **Bourne Hall, Spring Street, Ewell, Surrey, KT17 1UD**

Application for Listed Building Consent to replace 6 internal doors at the Grade II Listed Building Bourne Hall

<b>Ward:</b>	<b>Ewell</b>
<b>Contact:</b>	<b>Tom Bagshaw</b>

### **1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PIY3MIGYLK300>

### **2 Summary**

- 2.1 The applicant is seeking Listed Building Consent to replace 6 internal doors at the Grade II Listed Building Bourne Hall.
- 2.2 The application is referred to planning committee as it is a council owned property.

### **3 Site description**

- 3.1 Bourne Hall is a Grade II Listed Building constructed in 1970, set adjoining landscaped gardens and a lake. The building was listed in 2015 with the reason for designation set out below (a full listing description can be found in the Appendices at the end of this report):

*“Bourne Hall Library and Social Centre, of 1967-70 by A. G. Sheppard Fidler and Associates, is listed at Grade II for the following principal reasons: \* Architectural interest: a striking design, notable for its space-age flair and the generous, top-lit principal interior space; \* Plan form: the circular layout is well-organised, legible and flexible; \* Historic interest: as an ambitious example of the expansion of the library service and the integration of community facilities and disabled access.”*

- 3.2 There is disabled access to the building with toilets, library, cafe and exhibition area all on the main entrance floor with a museum at first floor level. Rooms within Bourne Hall are available for hire and are suitable for weddings, parties and meetings.

#### **4 Proposal**

- 4.1 Six number of doors contain Amosite (Brown Asbestos) Insulating Boards (AIB).
- 4.2 The proposal is to replace the 6 internal doors which contain asbestos with FD60 timber panel sapele doors that match the appearance and texture of the existing doors.

#### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 2 neighbouring properties. To date (29.01.2019) 0 representations have been received.

#### **6 Consultations**

- 6.1 The proposal does not require any external consultations.

#### **7 Relevant planning history**

N/A

#### **8 Planning Policy**

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) 2018

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 Upon 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 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 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 Council's Conservation Officer has confirmed that the existing doors are not considered to be a high standard of design. The proposal is to replace the doors with FD60 timber panel sapele Doors that will match the existing doors in character and appearance. This change is considered to not harm a heritage asset.

9.9 Epsom & Ewell Borough Council Design and Conservation Officer made the following comments:

'The proposed replacements are a relatively small proportion of the doors and are not the most sensitive of the well-made hardwood doors. Therefore, provided the doors are replace with new doors which match the existing eternally there is no objection to this proposal'

## **10 Community Infrastructure Levy**

10.1 The proposed development is not CIL liable

## 11 Conclusion

- 11.1 The proposed replacement doors would match the character of the existing property and would replace existing door that are not considered to hold any architectural merit. The proposed doors would appear the same in appearance as the existing doors. The proposal would therefore be acceptable amendments to the listed building and are therefore recommended for approval by the Council.

## 12 Recommendation

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

### **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:**

**BHDR-001 Rev.A - Door Location Plan Lower Ground Floor**

**BHDR-002 Rev.A - Door Location Plan Ground Floor**

**BHDR-003 Rev.A - Door Location Plan First Floor**

**Block Plan**

**Site Plan**

**Location Plan 1:1250**

**Location Plan 1:2500**

**Design and Access Statement**

**ASBESTOS MANAGEMENT SURVEY REPORT**

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

- (3) **Prior to the commencement of development, details shall be submitted to and approved in writing by the local planning authority of the materials to be used for external surfaces of the development including all making good works, demonstrating that the finishing materials match those of the original building/structure in size, colour,**

**texture, profile, finish, bonding and pointing. The development shall be carried out in accordance with the approved details.**

**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 not result in any harm to the Grade II listed building.**

**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) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.**
- (3) 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.**

**APPENDICES**



### **APPENDIX.1 – Full Listing Description**

Public library and social centre, designed from 1965 and built in 1967-70 by A. G. Sheppard Fidler and Associates, job architect B. W. Loren assisted by F. Fook; W. S. Atkins and Partners, engineers.

**MATERIALS / STRUCTURE:** the structure is of reinforced and pre-cast concrete, with aluminium windows, green Cumbrian slate copings and mosaic external finishes to the perimeter wall. The copper-clad dome with its central glassfibre rooflight is 42.6m (140') in diameter and 11.2m (37') at its highest point. 20 vertical pre-cast concrete ribs form a corona. The knuckles of the ribs are held in position by an in-situ pre-stressed, post-tensioned concrete ring beam which forms both the gutter and the eaves for the main dome. The roof construction is a sandwich of materials: the outer layer is sheet copper bonded to felt and wood wool panels on steel joints spanning between the frame. Towards the outer edges of the roof the wood wool panels are replaced by a band of lightweight 'Gunitite' concrete sprayed onto permanent formwork.

**EXTERIOR:** the exterior is a curving volume with a continuous band of aluminium windows at ground and first floor. The upper floor slopes inward and is surmounted by a broad copper dome, from which emerges a corona of pre-stressed, post-tensioned concrete ribs. Single-storey volumes of varying widths project forward of the circular footprint. The windows are separated by load-bearing pre-cast white concrete mullions running between a floating plinth and fascia, and some windows have Cumbrian slate panels beneath. The elevations are designed to a 4" (c.10cm) module enabling standardised pre-cast components. The result resembles a flying saucer, and was designed to sit low within the existing mature landscape. The ribbed concrete boiler chimney is 12.8m (42') high and provides a vertical counterpart to the library's dome.

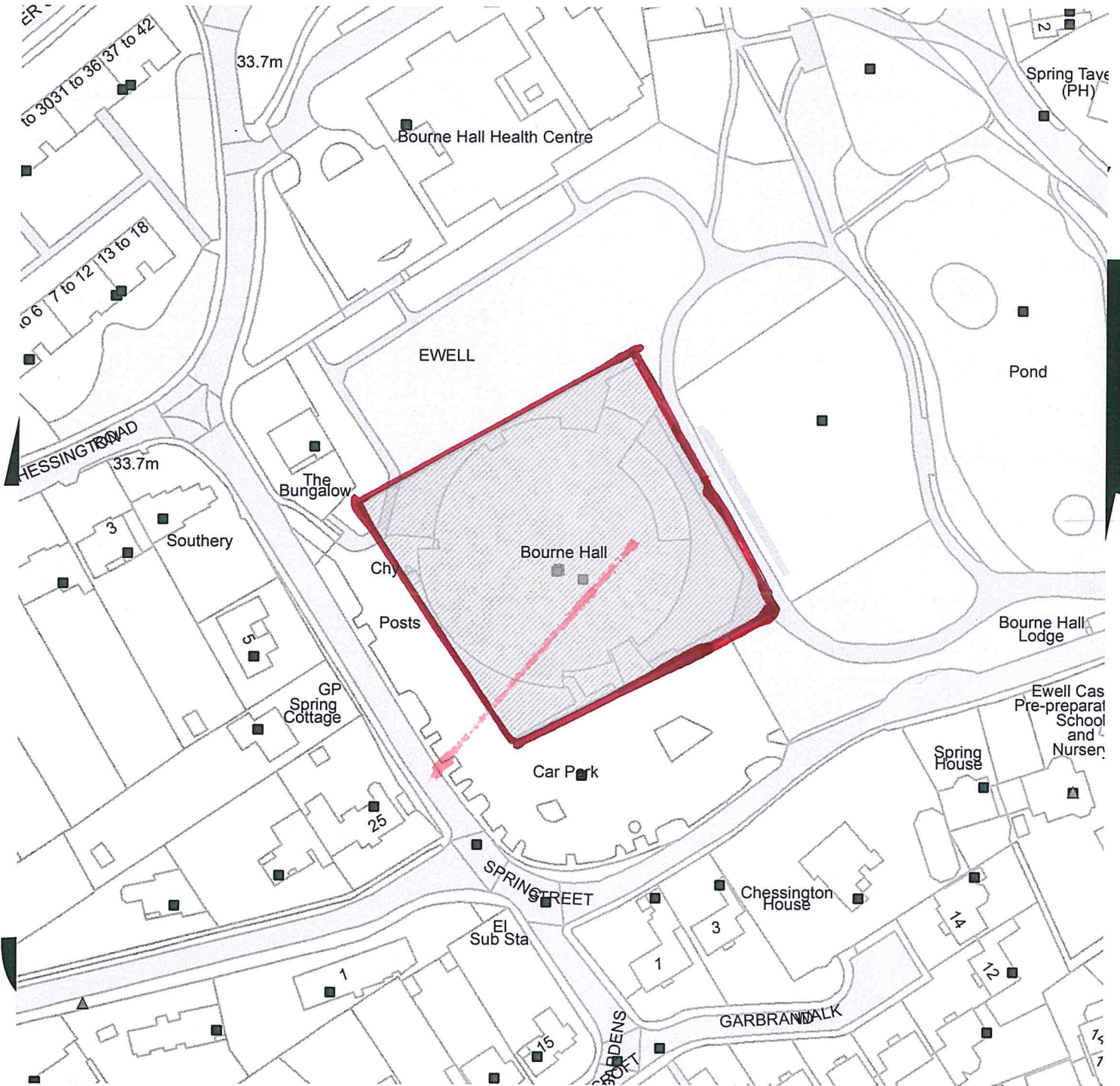
**PLAN / INTERIOR:** the building has a circular layout and is planned at three levels under a large central rooflight. The semi-open plan library occupies about half of the ground floor in a broad arc and is entered from the main foyer. It comprises a reference and a lending library and a reading room. The freestanding radial bookstacks have been replanned and the wall-mounted shelves are later replacements\* (not of special interest). The main hall, for lectures, concerts and adult classes, is sunken below ground level, and its roof forms a mezzanine museum and exhibition area overlooking the library. The interiors of the hall\* and the adjacent minor hall\* are relatively plain and have been recently refurbished; they are not of special interest. Around the perimeter project single-storey ancillary rooms, including a banqueting suite, catalogue area, offices and a junior library. With the exception of the junior library, the interiors of the perimeter rooms\* and the corridors that serve them\* are not of special interest.

An entrance canopy on the south side provides covered access from the car park. The entrance doors have been altered by the insertion of a

revolving door\* (not of special interest). A small café and shop have been inserted into the central space, and some of the walls have been plastered and painted white for exhibitions; these alterations and additions\* are not of special interest. Ramped entrances, a lift and low bookcases are included to facilitate disabled access. There are two staircases of African hardwood: a helical one near the entrance with a polished concrete spine beam rising to the mezzanine or gallery floor and a horseshoe-shaped staircase at the far end of the foyer which descends to the main hall. Risers were added to the formerly open-tread helical stair in the 1990s. The internal walls are of 0.4m (16") thick concrete for sound insulation and are partially finished in timber panelling.

**SUBSIDIARY FEATURES:** The junior library opens onto a raised external play area, provided with brick planters and enclosed by an openwork wall of sculptural concrete blocks (the south wall has been removed). To the south a former pond has been infilled with a paved surface. Outside the footprint of the building are a number of freestanding air handling units\*; they are not of special interest.

\* Pursuant to s.1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that these aforementioned features are not of special architectural or historic interest.



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Epsom and Ewell Borough Council

04 February 2019

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**Update Report from the Licencing and Planning Policy Committee:  
Five Year Housing Land Supply Statement**

Report by: Ruth Ormella, Head of Planning

At the Licencing and Planning Policy Committee of 24th January 2019 Item 6 included a report that accompanied the Urban Housing Capacity Study detailing the extent to which the urban areas could accommodate the annual housing requirement of 579 homes.

The third recommendation for Item 6 was as follows.

The Licencing and Planning Policy Committee advises the Planning Committee that planning applications should be determined with the knowledge that there is not a demonstrable 5 year housing land supply.

This recommendation was unanimously supported and the Head of Planning was instructed to formally advise the Planning Committee through an item on the next Planning Committee agenda of the 5 year housing supply position statement.

The report and evidence confirmed that there is approximately 1 year of housing land supply.

**Implications**

Planning applications are to be determined having regard for the update to date policies and all other material planning considerations. The NPPF sets out in Chapter 5 how authorities are to deliver a sufficient supply of homes.

Paragraph 11 of the NPPF raises the importance of a 5 year housing land supply in relation to decision making and sets out the meaning of the presumption in favour of sustainable development.

Members are encouraged to read Paragraph 11 in full and have particular reference to footnote 7, which makes clear that applications involving housing should be favourably determined where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Deliverable housing sites are made up from the pipeline of planning permissions and sites which the Local Planning Authority are aware may come forward with planning applications. The Urban Housing Capacity Study identified the potential for sites to come forward from the existing urban areas, and that these could have the potential to meet up to 50% of the total number of homes required based on the housing delivery requirement of 579. A five year housing land supply position is a dynamic figure that adjusts as further sites secure permission and come forward counting towards the housing land supply.

All planning applications for housing being considered by the Planning Committee will include a section which confirms the 5 year housing land position statement and other housing related matters so as to ensure Members are fully updated on the position when taking-decisions and applying the presumption in favour of sustainable development.

A Housing Delivery Action Plan is to be prepared in line with national planning guidance to assess the cause of under delivery and identify actions to increase delivery in future years. Members will be briefed as this work is undertaken.

**Monthly Report on Planning Appeal Decisions**

Report by: Martin Holley, Planning Development Manager/Ruth Ormella, Head of Planning

The planning department has received the following 2 appeal decisions from the 21<sup>st</sup> December 2018 to 1<sup>st</sup> February 2019.

<b>Site Address</b>	<b>Planning Reference Numbers</b>	<b>Description of Development</b>	<b>Decision + Costs?</b>
10 London Road, Ewell KT17 2BB	18/00848/FLH, APP/P3610/D/18/3215845	Proposed demolition of garden storage and conversion of the existing garage with single storey side and rear extension and first floor side dormer extensions.	<b>Dismissed</b> 8 <sup>th</sup> January  No costs to either side.
1 Westgate House, Chalk Lane, Epsom KT18 7AN	17/01472/TPO, APP/TPO/P3610/6743	Silver Birch – Crown reduce 3-4 metres	<b>Dismissed</b> 21 <sup>st</sup> January  No costs to either side.
5 Poplar Farm Close, West Ewell, Surrey	18/00181/TPO APP/TPO/P3610/6910	Fell Lombardy Poplar	<b>Allowed</b> 21 <sup>st</sup> January  No costs to either side.

**Summary of Appeal Decisions:**

**10 London Road:**

The inspector agreed with the council that the proposed works would have a significant detrimental impact on the Ewell Village Conservation Area and streetscene.

**1 Westgate House:**

The inspector supported the council in that the silver birch's upper canopy is prominent within the streetscene and that the proposed pruning would have a detrimental impact on the appearance of the birch tree. Given the lack of evidence of any diseases or structural damage, the inspector agreed with the council that the works would harm a healthy tree.

**5 Poplar Farm Close:**

The inspector disagreed with the council in that the healthy Lombardy was not having a minimal impact on the hardstanding of the relevant property. The inspector concludes that the tree should be felled to carry out the necessary works to the properties hardstanding as the required works would damage the trees roots, which the inspector considers are likely to grow further. Although the inspector acknowledges the tree is a feature of the streetscene, they believe the loss would be minor impact.