

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 14 March 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 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 13 February 2019 (attached) and authorise the Chairman to sign them.

**3. KINGS ARMS PUBLIC HOUSE 144 EAST STREET EPSOM KT17 1EY - 18/00315/FUL** (Pages 27 - 68)

Demolition of existing building and erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store.

**4. FORMER POLICE STATION, CHURCH STREET, EPSOM KT17 4PS - 17/01586/FUL** (Pages 69 - 94)

The demolition of the former police station, and the erection of two residential blocks comprising a total of 29 residential units (11x1bed, 11 x2 bed and 7x3 bed), with associated car parking and landscaping.

**5. 139 HOLMWOOD ROAD, CHEAM, SURREY, SM2 7JS - 18/00998/FUL** (Pages 95 - 114)

Subdivision of existing property and erection of new build 4 bedroom dwelling house.

**6. MONTHLY REPORT ON PLANNING APPEAL DECISIONS** (Pages 115 - 118)

The Committee is asked to note the appeal decisions from 21 January to 25 February 2019.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 13 February 2019**

---

**PRESENT -**

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

Absent: Councillor Lucie Dallen and Councillor Tina Mountain

Officers present: Amardip Healy (Chief Legal Officer), Ruth Ormella (Head of Planning), Martin Holley (Planning Development Manager), Virginia Johnson (Planner) and Sandra Dessent (Democratic Services Officer)

**48 DECLARATIONS OF INTEREST**

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

Development Site at 65 London Road Ewell Surrey - Planning Application 18/00573/FUL

Councillor David Reeve, Other Interest: Known to the objector of the application through involvement with Residents Association.

Development Site at 65 London Road Ewell Surrey - Planning Application 18/00573/FUL

Councillor John Beckett, Other Interest: Known to the objector of the application through involvement with Residents Association.

Development Site at 65 London Road Ewell Surrey - Planning Application 18/00573/FUL

Councillor Mike Teasdale, Other Interest: Known to the objector of the application through involvement with Residents Association.

Development Site At Old Salesians Ground, Old Schools Lane, Ewell - Planning Application 18/01082/S106A

Councillor Clive Smitheram, Other Interest: Known to the applicant through his association with Abbeyfield Trust.

**49 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting of the Planning Committee held on 17 January 2019 were agreed as a true record and agreed by the Chairman.

**50 ORDER OF MEETING**

With the agreement of the Committee, the order of the meeting was changed to agenda item 5 followed by 6, 3, 4 and 7, 8 and 9.

**51 WOODCOTE GROVE, ASHLEY ROAD, EPSOM, SURREY, KT18 5BW - PLANNING APPLICATION 18/0100/REM**

***Description***

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.

***Decision***

Variation of Condition is **PERMITTED** subject to the following conditions:

**Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the 26th 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) 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 work.

**52 DEVELOPMENT AT 1-3 CHASE ROAD EPSOM KT19 8TL - PLANNING APPLICATION 18/01202/REM**

***Description***

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.

***Decision***

Variation of Condition is **PERMITTED**, subject to the following conditions:

**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 materials 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

<https://www.epsom-ewell.gov.uk/residents/planning/planning-advice/community-infrastructure-levy-cil-guidance>

**53 DEVELOPMENT SITE AT 65 LONDON ROAD EWELL SURREY - PLANNING APPLICATION 18/00573/FUL**

***Description***

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

***Decision***

Planning permission is **REFUSED** for the following reasons:

- (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 A24 London Road and A240 Ewell By-Pass (North and South), 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 and cycling movements to and from the store have been adequately catered for, causing detriment to the safety and convenience of pedestrians and cyclists 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 A24 London 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 London Road/A240 Ewell By-Pass 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 street scene, 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 street scene, 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.

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

*Note: In the interests of openness and transparency, it was noted that Councillors Beckett, Reeve and Teasdale were known to the applicant through their involvement with the Residents Association. However, it was not considered that it could be regarded as sufficiently close an association as to affect their consideration of this item.*

**54 DEVELOPMENT SITE AT OLD SALESIANS GROUND, OLD SCHOOLS LANE, EWELL - PLANNING APPLICATION 18/01082/S106A**

**Description**

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

**Decision**

Amendment to the S106 agreement is **PERMITTED** as set out in the agenda report relating to the S106 agreement dated 06 June 2015, attached to planning permission 15/00845/FUL.

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

*Note: In the interests of openness and transparency Councillor Clive Smitheram declared that he was known to the applicant through his association with the Ewell Abbeyfield (Chairman of Trustees) and did not take part in the deliberations or vote on this application.*

**55 BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD - PLANNING APPLICATION 18/01247/LBA**

**Description**

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

**Decision**

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

**Conditions:**

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

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

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

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.**

**56 FIVE YEAR HOUSING LAND SUPPLY STATEMENT**

At the Licensing and Planning Policy Committee on 24 January 2019 the annual housing requirement of 579 was discussed in relation to determining planning applications with the knowledge that there is not a demonstrable 5 year housing land supply. It was therefore agreed that the Head of Planning would advise the Planning Committee on the position of the housing land supply.

Accordingly the Committee was informed that there was 1 year of housing land supply. However, it was acknowledged that in view of the potential for sites to come forward (as identified in the Urban Housing Capacity Study), there was potential to meet up to 50% of the required number of homes from developing in existing urban areas.

It was noted that if the authority did not have a demonstrable 5 year housing land supply and applications were refused there was a risk of incurring a penalty of up to 20% increase on top of the housing target (579 homes annually). However it was further noted that officers were optimistic of achieving a 5 year land supply and in addition any penalty that was levied would decrease as the land supply increased.

To assess the basis for the under delivery and identify actions to increase the land supply a Housing Delivery Action plan would be prepared in line with national planning guidance.

It was highlighted that during the transition period when the Housing Delivery Action Plan was being developed an important way to minimise the risk of incurring any penalties was to be mindful of the possible levy when determining planning applications. Nevertheless it was also emphasized that when considering applications attention should always be on quality outcomes and sustainable development, and these aspects would be the focus of the pre-app stage.

To that end it was agreed that the Planning Committee would receive regular updates on the status of the 5 year land supply.

## 57 MONTHLY REPORT ON PLANNING APPEAL DECISIONS

The appeal decisions were noted.

*The meeting began at 7.30 pm and ended at 9.05 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

## **Kings Arms Public House 144 East Street Epsom KT17 1EY**

Demolition of existing building and erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store

<b>Ward:</b>	<b>Ewell Ward;</b>
<b>Contact:</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=P9OOUFGYK2V00>

### **2 Summary**

- 2.1 This application seeks permission for the demolition of an existing vacant public house and the erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store
- 2.2 The application would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for conditional permission subject to the completion of a S106 agreement.

### **3 Site description**

- 3.1 The application site, which is 0.154 ha in extent, is located on the southern side of East Street and is currently occupied by the Kings Arms Public House, which is currently vacant.
- 3.2 Facing the site across East Street are residential two storey terraced dwellings in Middle Close. Immediately to the west of the site is the rear garden to the semi-detached residential dwelling at 142 East Street. To the east, are three-storey residential flats "The Stanford's, and to the south are three-storey residential flats on Yeomanry Close.

- 3.3 There are trees along the southern boundary and shrubbery along the western boundary that provide amenity to the site and to the adjacent residential occupiers. The site previously contains a Tree Protection Order, (184/T1), for a Horse Chestnut Tree near its south boundary, which has been felled due to decay.
- 3.4 The Kings Arms Public House is a Locally Listed Building and as such is a non-designated heritage asset as set out under Chapter 16, paragraph 197 of the NPPF (2018).

#### **4 Proposal**

- 4.1 This application seeks permission for the demolition of the Kings Arms Pub and the erection of two four-storey buildings to provide 21 self-contained flats (6 x 1-bed, 11 x 2-bed and 4 x 3-bed units) and associated development including hard and soft landscaping, car and cycle parking and refuse store.
- 4.2 The western most block is a part 3, part 4 storey block comprising of 10 flats (3 x 1 bed, 5 x 2 bed and 2 x 3 bed) with the eastern most block a 4 storey building comprising of 11 flats (3 x 1 bed, 6 x 2 bed and 2 x 3 bed). The blocks will be joined by a full height set back glass link.
- 4.3 The proposed western block would be 21 metres in width, 11.2 metres in depth, increasing to 11.9 metres in depth at the eastern end, 9.65 metres in height from ground to the top of the second floor parapet, 12.55 metres in height from the ground to the top of the third floor and 13.4 metres in height from ground to the top of the lift overrun.
- 4.4 The proposed eastern block would be 13.3 metres in width, 17 metres in depth, , increasing to 18.5 metres in depth at the eastern end, 12.55 metres in height from ground to the top of the eastern most third floor flat roof parapet and 12.05 metres to the top of the western most third floor flat roof.
- 4.5 The blocks would be connected by a 5.3 metre setback (from the eastern block), 4 metre wide, 4 metre deep, and 12.05 metre high glass link.
- 4.6 The total combined width of the buildings and link would be 38.3m
- 4.7 The ground floor of the building would be set back 3.0 metres, reducing to 1.2 metres from the public footpath on East Street, between 17 and 18m from the north-eastern boundary with The Stanfords, and between 15.1m and 17.7m from the south-eastern boundary with Yeomanry Close. The building would also be set back between 6.35m and 7.15m from the eastern shared boundary with No 142 East Street.
- 4.8 Each of the upper floor residential units would have private amenity space in the form of balconies, whilst the ground floor units would have their own private gardens.

- 4.9 The proposed development includes a communal car park, which would provide 16 parking spaces including 1 disabled bay. Access alterations from East Street are proposed where the existing dropped kerb would be retained 2 metres north east along East Street
- 4.10 As the parking provision proposed is below the Council's adopted Parking Standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These include;
- A proposal to subsidise an 'on street' car club space for the period of 1 year, which the developer would also provide 1-year memberships and £50 driving credit for all residents as an incentive to make use of the car club and not rely on owning their own car.
  - A Residential Travel Information Pack is proposed, including a £50 Oyster Card contribution per flat, to further encourage the residents to make sustainable travel choices
- 4.11 A refuse and recycling collection point would be located in a securely covered area, adjacent to the flank boundary with No 142 East Street.

## **5 Comments from third parties**

- 5.1 The original application was advertised by means of letters of notification to 99 neighbouring properties. 13 objections were received stating the following concerns:
- Construction noise
  - Impact on local highway network
  - Lack of car parking
  - Impact on residential amenities including overlooking and a loss of light and privacy
  - Noise from the balconies.
  - Lack of affordable housing
  - Loss of the public house
  - Overbearing and functional design.
  - Loss of locally listed building.
  - Out of keeping with character of the area.
  - Location of refuse and recycling store
- 5.2 A further 10 objections were received however, no names or addresses were provided and these therefore cannot be considered.
- 5.3 Amended drawings were received on the 14<sup>th</sup> January 2019 and neighbours were re-consulted. To date (28/2/2019) an additional 8 letters of objection have been received, 3 from addresses which had not previously objected. The objections stated the following concerns regarding:
- Construction noise and dust

- Impact on local highway network
- Lack of car parking
- Impact on residential amenities including overlooking and a loss of privacy.
- Loss of the public house
- Loss of locally listed building.
- Out of keeping with character of the area.
- Significant increase in bulk, scale, mass and height accentuates the difference between the scheme and the scale of surrounding buildings.
- Too Big
- Location of refuse and recycling store

## **6 Consultations**

- 6.1 SCC Highways: No objection, subject to conditions.
- 6.2 Design and Conservation Officer: No objection and stated that the good quality of design together with the provision of new housing can be considered as justify the loss of the locally listed public house provided the design details and materials are of sufficiently good quality to ensure the building's excellence.
- 6.3 Ecology Officer: No objection.
- 6.4 Tree Officer: Recommends a condition requiring approval of landscaping to include the details of the planting pits to ensure the trees have adequate root volumes and will not damage the hardscape.
- 6.5 Contaminated Land Officer: No objection, subject to conditions.
- 6.6 Surrey County Council (SuDS) : No objection, subject to conditions
- 6.7 Surrey County Council (Archaeology) No objection, subject to conditions.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00498/CLE	05.09.2017	Certificate of Lawfulness (Existing) for use of first floor of the application property as a single family dwelling	REFUSED
17/01209/FUL	31.01.2018	Erection of a three-storey building on land adjacent to public house building to provide 8 self-contained flats (3x1bed, 3x2 bed 2x3 bed) and associated hard and soft landscaping, car and cycle parking and refuse store and the demolition of a single storey annexe extension to Kings Arms Public House (as amended)	REFUSED  Dismissed on appeal 19/02/2019  Refer to paragraph 9.1 of this report

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 2                      Achieving sustainable development  
Paragraphs 8 – 12 and 14

Chapter 5                      Delivering a sufficient supply of homes  
Paragraphs 59- 61, 64, 68 and 75

Chapter 8                      Promoting healthy and safe communities  
Paragraph 92

Chapter 9                      Promoting sustainable transport  
Paragraphs 108, 109 and 110

Chapter 12                      Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 14                      Meeting the challenge of climate change, flooding and coastal change  
Paragraphs 155 and 163

Chapter 15                      Conserving and enhancing the natural environment  
Paragraph 170, 171, 174, 175, 177, 178, 180, 182 and 183

Chapter 16                      Conserving and enhancing the historic environment  
Paragraph 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS7	Housing Need
Policy CS8	Housing Delivery
Policy CS9	Affordable Housing
Policy CS13	Community, Cultural and Built Sports Facilities
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 Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM19	Development & Flood Risk
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM34	New Social Infrastructure
Policy DM35	Transport and New Development
Policy DM36	- Sustainable Transport for New Development
Policy DM37	- Parking Standards

Nationally Prescribed Space Standard - March 2015

**9 Planning considerations**

Previous Application and Inspector's Decision

9.1 A previous application (17/01209/FUL) for the erection of a three-storey building on land adjacent to the public house to provide 8 self-contained flats was refused under delegated authority in January 2018 on the following grounds:

- (1) The proposal would result in a piecemeal form of development which would fail to make efficient use of the wider site thus prejudicing its potential for future housing delivery. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007).*
- (2) The proposed development, by virtue of its siting, bulk and position in relationship to the plot boundaries, would present a significant and obtrusive element in the outlook of adjoining residential properties in The Stanfords and Yeomanry Close and would seriously impact on the living conditions of residents in The Stanfords by the visual dominance of the proposed building in such close proximity and loss of daylight and privacy. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015).*
- (3) Without an appropriate agreement to secure a commuted sum in lieu of the on-site provision of 1.6 affordable housing units, the proposal is contrary to the provisions of Policies CS9 and CS12 of the Epsom and Ewell Core Strategy (2007)*
- (4) The proposed development fails to provide adequate private external amenity space for Flats 3 and 5 and an acceptable internal environment in terms of outlook created by proposed obscure glazing and/or louvres to all Flats contrary to the provisions of Policies DM10 and DM12 of the Development Management Policies (2015).*
- (5) The proposed scale and massing of the development would adversely impact on the retained locally listed building, The Kings Arms Public House, contrary to Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policy DM8 of the Development Management Policies (2015).*
- (6) The proposed layout fails to provide adequate landscaping and setting for the new development, contrary to Policies DM5 and DM10 of the Development Management Policies (2015).*

9.2 Since the application was determined, the amended National Planning Policy Framework has been issued. This sets out that provision for affordable housing is not required except in cases of major development. As the Council's Local Plan predates this edition of the Framework, the Council withdrew its reason for refusal (No 3) relating to a commuted sum for affordable housing.

- 9.3 In his decision (Annexe A) the Inspector upheld the ground No 1, 2, 4, 5, and 6 for refusal.
- 9.4 However with regard to Ground 2, the Inspector noted that *“There is a greater distance between the development and Yeomanry Close, and the elevation facing Yeomanry Close is narrower. Consequently, I have less concern in relation to outlook from flats at Yeomanry Close as the development would be less overbearing and less enclosing for those occupiers”*.
- 9.5 The Inspector also concluded that the development would lead to a significant loss of such established tree cover as there is within and near the site.
- 9.6 The current scheme differs in the following ways:
- The Kings Arms is proposed to be demolished and the site comprehensively redeveloped.
  - The current scheme would be set back 17m from the Stanfords rather than the 9.8m proposed in the refused scheme
  - The increased separation distances means that protection of privacy does not rely on obscure glazing as much and no louvres are proposed.
  - A Tree Survey and Arboriculture Implication Assessment has been undertaken that considers the site’s landscape features in the context of the proposed development. It concludes that the proposed development is unlikely to impact on the trees outside the application site and that the large Sycamore tree on the rear boundary can be retained as part of the development and protected during demolition/construction works. The application proposes a number of new trees on the site. Opportunities for other soft landscaping have also been maximised within the proposed layout.
- 9.7 Officers therefore consider that the current scheme is an improvement on the previous refused scheme and would address the concerns raised by the Inspector in his previous decision.

#### Principle of Development

- 9.8 The subject site has the benefit of planning history as a public house, falling within use class A4 with ancillary living accommodation at first floor. The development proposal is for a residential use falling within use class C3, being residential dwellings.

- 9.9 The NPPF paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.10 Paragraph 68 - small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
  - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
  - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
  - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
- 9.11 The Governments standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 667 under the housing delivery test as published on 20th February 2019
- 9.12 Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
  - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 9.13 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 9.14 Policy DM22 Housing Mix states that the council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 21 units would be expected to provide 5 x 3 bedroom units.
- 9.15 The scheme proposes 6 (28.6%) x 1 bed, 11 (52.4%) x 2 bed and 4 x 3 (19%) bed units. Although the proposed mix is 1 below the minimum expected, given the town centre location, that the mix of units includes a majority of at least 2 bedroom units (suitable for small families), the housing numbers requirement of the borough and that the proposal is a flatted development, it is considered that the unit mix is appropriate for this scheme in this location.
- 9.16 Policy CS13 seeks to resist the loss of community facilities except in certain defined circumstances, including where “it can be clearly demonstrated that there is no longer a need for such a facility in either its current use, or in any other form of community use”. Policy DM34 seeks to resist the net loss of community facilities except in certain circumstances, including “the proposal is supported by clear and robust evidence that the facility is no longer needed”.
- 9.17 A report by has been submitted by the applicants which explains the changes in drinking patterns and other factors which have led to the challenging conditions for pubs, meaning that smaller traditional pubs outside of local high streets particularly have struggled to remain viable and have ceased trading. The report explains how the Kings Arms pub has struggled in this way since at least 2011. The conclusion is drawn that *“there is clear evidence that due to its location, competition in the local area and failure of previous operators the public house is no longer needed and that there are alternative equivalent facilities available”*
- 9.18 The applicants submit that the site has been marketing since February 2017 which has resulted in a number of enquires but these have not translated into actual offers.
- 9.19 Officers have assessed the information provided and consider that it meets the test relating to the loss of community assets stated in Policies CS13 and DM34.

- 9.20 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.21 Given the information provided supporting the loss of the public house and the significant housing need in the borough, it is considered that the proposed redevelopment of this brownfield site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Impact on the Character of the Area

- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.
- 9.26 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

Design

- 9.27 The existing building consists of a vacant locally listed public house outside of any conservation area. The existing building is considered to make a modest contribution to the architectural character of the local streetscape, but has had some of its more suburban setting undermined by now being hard up against a narrower pavement and facing closer onto the A24.
- 9.28 The building appears to be an early C19 building that has been considerably reconfigured and refaced in the late C19. However, it remains one of the few buildings in the street that retains its pre-C20 Character.
- 9.29 Though the Kings Arms is not listed nor in a conservation area, as a locally listed building and therefore a designated heritage asset and it should not be replaced by any new building that does not show sufficient public benefits to justify its loss (paragraph 194 of the NPPF).
- 9.30 The surrounding area is one of mixed character including some surviving late C19/early C20 buildings, 1960/70's blocks of flats and some more modern developments across the road.
- 9.31 The proposed redevelopment will demolish the existing building and replace it with two 4 storey buildings of a contemporary design. The two blocks would have a slightly staggered building line and would use different bricks to break their mass into two distinct elements with a glazed elements set back in between the two buildings, linking them together.
- 9.32 The buildings step up from 3 storeys on the immediate boundary with Nos.140-142 East Street to become a four storey building with a varied roofline of setbacks and integral balconies. The upper floor and roof variations help to further break up the building and enhance the quality of design with simple but effective detailing including Juliette balconies, generous windows, deep reveals and a combination of integral brick balconies and cantilever balconies.
- 9.33 The application proposes to use a combination of light and dark bricks for each building to separate them with a dark brick dwarf wall with low railings at the front of the building. The three storey element uses two pre cast stone balcony supports on the 3 storey element to add additional interest at the ground floor level.
- 9.34 The proposed design is of a high quality, with high quality materials, boundary treatment and well executed building detailing including deep reveals will be required and secured by way of conditions.
- 9.35 The design of the building is considered to be acceptable and would enhance the street scene and the character of the area generally and would be of an appropriately high quality design to add to character of the streetscene in-leiu of the non-designated asset.

- 9.36 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with the NPPF and Policies DM8, DM9 and DM10 of the Local Plan

Impact on a Heritage Asset

- 9.37 Paragraph 197 of the NPPF 2018 states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 9.38 Development Management Policy DM8 seeks to resist the loss of heritage assets and notes that as part of any assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable
- 9.39 The existing building is included on the Council’s list of buildings of local architectural and historic interest, but is not statutorily protected.
- 9.40 A Built Heritage Statement has been prepared and submitted in support of this application.
- 9.41 The pub was constructed in the first half of the nineteenth century and has been subject to extensive alterations and extensions. The report refers to these changes as the *‘unsympathetic extension and the removal of almost all original/ early fixtures and fittings’*.
- 9.42 The report states that the building is *“of low historic value which is drawn from its local social and historic associations with this area of Epsom. Limited communal value, and due to previous intrusive alterations, there is little heritage value within the existing structure. The report concludes that the level of significance associated with each of the identified components of heritage value (‘evidential’, ‘historical’, ‘aesthetic’ and ‘communal’) is low heritage significance”*.
- 9.43 Officers concur with the report’s conclusion, and are not persuaded that the building is of such architectural or historic merit to warrant retention irrespective of the merits of any redevelopment proposal. The proposed scheme is well designed and would contribute to the character and appearance of the local environment.
- 9.44 The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.
- 9.45 It is therefore considered that the overall merits of the scheme would outweigh the loss of this particular non-designated heritage asset.

- 9.46 The proposal would therefore comply with NPPF and Policy DM8 of the Local Plan.

Neighbour Amenity

- 9.47 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.48 The new building has been sited and organised away from its boundaries so as to minimise impact and overlooking with its neighbours, Yeomanry Close and The Stanfords.
- 9.49 The south west elevation of The Stanfords apartment building would face the application site. The new building 18 metres away from The Stanfords, reducing to 17 metres at the rear of the proposed building. This is considered acceptable as the flat layouts have been organised so as to minimise principal windows from principal rooms facing the affected property.
- 9.50 A section of the north west elevation of the Yeomanry Close apartment building would face the rear elevation of the new building at a distance of 16.4m, which on balance, would be acceptable, as the separation gap would be similar to that between the flank elevation of The Stanfords and the Yeomanry Close.
- 9.51 There is the potential for mutual overlooking between the balconies of the rear facing flats F6 and F5 on the first and second floors, and flats T4 and T3 on the third floor. It is therefore recommended that a condition be imposed requiring privacy screens to be erected on the flank return of the balcony to flat F6 on the first and second floors, and flat T4 on the third floor. It is also recommended that the flank kitchen window to flat T2 on the third floor, be obscurely glazed to prevent overlooking of flat T1.
- 9.52 A Daylight and Sunlight Report has been submitted in support of the application. Daylight and sunlight is assessed with regard to the guidelines set out in the 2011 Building Research Establishment (BRE) Report '*Site layout planning for daylight and sunlight - A guide to good practice*' by Paul Littlefair. One of the primary sources for the BRE Report is the more detailed guidance contained within 'British Standard 8206 Part 2:2008'.

9.53 To determine whether a neighbouring existing building may be adversely affected, the initial test provided by the BRE is to establish if any part of the proposal subtends an angle of more than 25° from the lowest window serving the existing building. If this is the case then there may be an adverse effect, and more detailed calculations are required to quantify the extent of any impact. The BRE guidelines provide two principal measures of daylight for assessing the impact on properties neighbouring a site, namely Vertical Sky Component (VSC) and No-Sky Line (NSL). They also detail a third measure of daylight which is primarily used for assessing amenity within proposed accommodation, namely Average Daylight Factor (ADF). In terms of sunlight we examine the BRE Annual Probable Sunlight Hours (APSH).

9.54 It is usual to only consider main habitable spaces (i.e. living rooms, bedrooms and kitchens) within residential properties. The following properties have been considered in the report :( Applicant's Assessment in italics)

▪ 1 to 12 The Stanfords:

*Daylight: All windows achieve the BRE VSC criteria, with each retaining a VSC value in excess of the default BRE target of 27% after development. The NSL figures show that all but 2 rooms (R2/40 & R3/40) comfortably achieve BRE guidance. Proportional reductions to these rooms are only marginally more than the guideline 20%. The property will continue to receive very good daylight amenity after development.*

*Sunlight: All windows fully comply with the BRE APSH criteria. All but one of the windows will continue to receive over double the BRE recommended levels of sunlight after development.*

▪ 17 to 28, 29 to 37, 38 to 43, 44 to 49 Yeomanry Close:

*Daylight: The majority of windows serving these properties very comfortably achieve the BRE VSC criteria. Just 3 ground floor windows (W1/20, W3/20 & W4/20) in 29 to 37 do not achieve default BRE guidance. Windows W1/20 & W4/20 experience proportional reductions in VSC of 21.1% and 24.5% respectively (i.e. only marginally more than the guideline 20%), and they retain VSC values of 26.4% and 25.6%. These retained values are not significantly less than the default BRE target of 27%, and still represent a very good level of daylight, particularly so given the urban location. Window W3/20 experiences a larger proportional reduction and retains a lower VSC of 12% due to its location under a canopy.*

*Considering NSL, the majority of rooms very comfortably achieve the BRE criteria. There are 7 ground floor rooms (3 in 29 to 37 and 4 in 38 to 43) which experience proportional reductions of between 20% and 35%. In each case at least 64% of the room area will continue to receive direct skylight. Overall these properties will not experience a material reduction in daylight, and they will continue to receive very good daylight amenity after development.*

*Sunlight: As the site facing elevation has a northerly aspect, sunlight is not an issue.*

▪ 142 East Street

*Daylight: The majority of windows comfortably achieve the BRE VSC criteria. Two windows (W5/60 & W1/61) will experience proportional reductions in VSC of 48.2% and 52.6% respectively, i.e. in excess of the guideline recommendation of 20%. However, we note that these two windows are located in the flank wall of the property, close to the boundary directly facing the site. Given their location, it is questionable whether the property should be reliant on light to these windows. We consider that the retained VSC values to these windows of 14.5% and 14.4% represent a reasonable level of daylight for a flank wall location.*

*Sunlight: As none of the potentially impact window are orientated within 90 degrees of south sunlight is not an issue.*

- 9.55 The report concludes that the impact of the proposed development on the properties neighbouring the site would be small and each neighbouring property would continue to receive good daylight and sunlight amenity after development. Overall reductions in amenity would be in accordance with BRE guidance, and given that much of the site currently lies vacant this is a “very good result”. Similarly, daylight and sunlight amenity within the new proposed residential accommodation would be “very good”.
- 9.56 It is therefore concluded that in terms of its height, bulk and siting the proposed residential block would not be obtrusive and overbearing to residents of The Stanfords and Yeomanry Close or have a material impact on their living conditions through the overshadowing of land, reduction in daylight, overlooking or loss of privacy.
- 9.57 The proposed scheme would therefore comply with Policy DM10

Quality of Accommodation

- 9.58 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 9.59 Paragraph 3.36 of Policy DM12 states that to provide adequate private amenity space for development of flats, a minimum of 5m<sup>2</sup> of private outdoor space for 1-2 person dwellings should be provided and an extra 1m<sup>2</sup> should be provided for each additional occupant.
- 9.60 The proposed 3 bed (4p) flats would have a Gross Internal Area of between 74m<sup>2</sup>-78m<sup>2</sup>, the 2 bed (3p) flats an area between 61m<sup>2</sup>- 68m<sup>2</sup>, and the 1 bed (2p) flats an area of between 50m<sup>2</sup>-52m<sup>2</sup>.
- 9.61 Each flat would therefore comply with the appropriate Nationally Described Space Standard technical requirements (74m<sup>2</sup>, 61m<sup>2</sup> and 50m<sup>2</sup> respectively) in compliance with Policy DM12
- 9.62 All ground floor flats would have access to private amenity space, and the upper floor flats would have access to either balconies or terraces. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments.

Car Parking and Access

- 9.63 Chapter 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - safe and suitable access to the site can be achieved for all users; and
  - 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.

- 9.64 Paragraph 109 sets out 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.
- 9.65 Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.66 Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 9.67 Policy DM27 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions
- 9.68 The Council's adopted Parking Standard for Residential Development Supplementary Planning Document requirement for minimum parking standards for residential development in Epsom and Ewell are 1 space for 1-2 bedroom flats, and 1.5 spaces for 3+ bedroom flats
- 9.69 The proposed scheme would therefore be required to provide 23 parking spaces. (The current scheme proposes 16 spaces)
- 9.70 An (updated) Transport Statement (TS) accompanies the application and seeks to justify the shortfall (7) in parking spaces.
- 9.71 It states that given the proximity of the site to the town centre and local services, the town centre parking standards are considered more appropriate than out-of-town-centre standards. (Within Epsom Town Centre the requirements are 1 & 2 bedroom flats – minimum of 0.75 space per unit and 3+ bedroom flats – minimum of 1 spaces per unit) Based on this assumption it submits that 17 spaces would be required for a development of this size and unit mix.

9.72 The TS states that the 2011 census data has been analysed to investigate the current car ownership within the local vicinity of the proposed development. The results indicate that in respect to the proposed development, less than one car will be owned per flat and that 36% of the proposed flats may have no car. The TS suggests that a trend towards lower car ownership is present within residents who live in flats in the local area and that based upon the data presented, the 2011 census would generate 16 owned cars (0.75 x 21). It concludes that this indicates that the proposed development would therefore potentially only have 16 residential owned cars on site.

9.73 As the parking provision proposed is below the Councils Parking Standards local standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These would include;

- A proposal to subsidise an 'on street' car club space for the period of 1 year, which the developer would also provide 1-year memberships and £50 driving credit for all residents as an incentive to make use of the car club and not rely on owning their own car.
- 19 cycle parking spaces are required to meet the Surrey County Council Vehicular and Cycle Parking Guidance, which requires 1 space per unit for 1 and 2 bed flats and 2 spaces per 3 bed units. A total of 35 cycle parking spaces are proposed which exceeds the required standard by 16 cycle spaces, therefore providing an additional incentive to owning a cycle.
- A Residential Travel Information Pack is proposed, including a £50 Oyster Card contribution per flat, to further encourage the residents to make sustainable travel choices

9.74 The Highway Authority commented as follows;

*To take advantage of the site's location the developer is proposing a Travel Plan. It should be noted that a Travel Plan would normally have targets to reduce the use of single occupancy vehicle trips and a formal monitoring and auditing regime to ensure those targets are being met. This is not necessary to make the development acceptable. For the proposed development that includes 21 residential units a Travel Plan Statement would suffice. Travel Statements do not include targets and therefore no monitoring and auditing is required.*

*The Travel Plan Statement should include a Travel Information Pack, as has been proposed by the developer. The pack of information should include employment, education, retail and leisure land uses that are within 2km walking distance and 5 km cycling distance of the site. Information on other locations with more choice in those land uses that are on bus routes from the site and on the train routes from Epsom should also be provided. In terms of public transport up to date time table should be provided and kept up to date.*

9.75 Regulation 122 of the CIL Regulations introduced on 6th April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development
- It is fairly and reasonably related in scale and kind to the development.

9.76 In view of the above, the Highways Officer whilst noting that the developer is offering to provide a Car Club vehicle and one year free membership of the car club and £50.00 driving credit, states that this offer is unnecessary to make the development acceptable from a transportation perspective.

9.77 The Highways Officer has also stated that it would be unnecessary to make the development acceptable from a transportation perspective to accept a £50.00 contribution per household to purchase an Oyster card. Officers are of the opinion that this obligation would be Regulation 122. Compliant as whilst it does not meet the first criterion, it is directly related to the development, and it is fairly and reasonably related in scale and kind to the development. In addition as the proposed parking would not meet the Councils Standards, the provision of a Travel Pack is a material consideration, given that its aims and objectives are considered to be in accordance with the objectives of Policy CS16 (promoting sustainable travel).

9.78 In view of the above, Officers consider that the provision of 16 on-site parking spaces would be appropriate given the sites sustainable location, located approximately 800 metres away from Epsom station and on a local bus route, and in view of the additional sustainable transport measures proposed by the applicant.

9.79 The Residential Travel Information Pack would be secured by a legal agreement.

9.80 The proposal would therefore accord with Policy CS16

Refuse and Recycling

- 9.81 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 9.82 A refuse store is proposed along the shared boundary with No 142 East Street, at the front of the site. Details of the store would be secured by an appropriate condition.

Ecology/Biodiversity

- 9.83 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.
- 9.84 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.
- 9.85 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.86 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity.
- 9.87 A large part of the application site is under tarmac, and on balance, with the additional landscaping proposed, the biodiversity potential of the site would be enhanced. It is recommended that a condition requiring the installation of bat and bird boxes, as well as swift bricks be imposed to enhance biodiversity as encouraged by Policy DM4.

Trees/Landscaping

- 9.88 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.
- 9.89 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.
- 9.90 A Tree Survey and Arboriculture Implication Assessment has been undertaken that considers the site's landscape features in the context of the proposed development. This considers the effect on trees within and adjacent to the application site. It concludes that the proposed development is unlikely to impact on the trees outside the application site and that the large Sycamore tree on the rear boundary can be retained as part of the development and protected during demolition/construction works. Officers consider that the current scheme would address the Inspectors concerns raised with regard to the previous refused scheme.
- 9.91 The vehicular and pedestrian access routes and the car park are proposed to be lined permeable paving covering an area of approximately 633sqm (41% of the application site). New planting is proposed along the side and rear boundaries and within the site
- 9.92 Details of hard and soft landscaping would need to be secured by an appropriate condition. In this respect the proposal would, on balance, not fall contrary to Policy DM5.

Affordable Housing

- 9.93 Policy CS9 of the Core Strategy 2007 states that the Council has a target that overall, 35% of new dwellings should be affordable. 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. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

- 9.94 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 9.95 The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which demonstrates that the scheme could not support affordable housing. A cash in-lieu contribution of £110,164 to off-site affordable housing is proposed because the level of surplus assessed in the appraisal would not support any on-site provision.
- 9.96 The commuted sum would be secured through a s106 agreement.

It is recommended that a viability review mechanism is included in the S.106 agreement. This would require the submission of a revised Viability Statement in the event that the slab level is not completed within three years from the date of the planning permission.

#### Sustainability

- 9.97 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, including an environmental objective. This is for development 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.
- 9.98 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in the scheme by using an appropriate layout, building design and orientation, minimises the energy requirements of construction and encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 9.99 A Sustainable Design Statement accompanies the application, dated 17.08.2018. This sets out that the proposed energy efficiency measures to minimise energy demand incorporates provision for 16no. 250kWp photovoltaic panels on the roof of the building which together equates to a carbon reduction of 477 kgCO<sub>2</sub> per annum.
- 9.100 Furthermore, as set out in the submitted the Sustainable Drainage Report the proposed development includes SUDS measures to reduce the volume and rate of surface water run-off and water contribute to improving water quality in accordance with Policy CS6 and DM19.

Community Infrastructure Levy

9.101 The scheme would be CIL liable

**10 Conclusion**

- 10.1 The proposal meets planning policy objectives and gives the opportunity to redevelop this brownfield site with a residential scheme, helping contribute to the borough meeting its housing targets.
- 10.2 The proposal would incorporate all the principles of good design in accordance with Chapter 12 of the NPPF and Policy DM10 of the Development Management Policies Document 2015
- 10.3 The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost the supply of housing significantly.
- 10.4 The application is therefore recommended for **APPROVAL**.

**11 Recommendation**

Part A

- 11.1 Subject to a legal agreement being completed and signed to secure the following heads of terms :
- A commuted sum of **£110,164** in lieu of the on-site provision of affordable housing
  - In the event that the slab level is not completed within three years from the date of the planning permission a revised viability appraisal shall be submitted.
  - Residential Travel Information Pack

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 13<sup>th</sup> June 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 CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of a commuted sum in lieu of the on-site provision of affordable housing.

**Conditions:**

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

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005.

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

**266(PL)02 rev B – Proposed Site Plan**

**266(PL)03 Rev B – Proposed Ground Floor Plan**

**266(PL)04 Rev B – Proposed First Floor Plan**

**266(PL)05 rev B – Proposed Second Floor Plan**

**266(PL)06 Rev B – Proposed Roof Plan**

**266(PL)15 – Proposed Third Floor Plan**

**266(PL)07 Rev B – Existing and Proposed Street Elevation (front)**

**266(PL)08 Rev B – Existing and Proposed Side Elevation 01**

**266(PL)09 – Existing and Proposed Rear Elevation**

**266(PL)10 Rev B – Existing and Proposed Side Elevation 02**

**266(PL)11 Rev B – Proposed Front Elevation**

**266(PL)12 Rev B – Proposed Side Elevation 01**

**266(PL)13 Rev B – Proposed Rear Elevation**

**266(PL)14 Rev B – Proposed Side Elevation 02**

**Reason:** For the 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 and samples of the materials to be used for the external surfaces of the development, including windows and doors, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

- (4) Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

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

- (5) No development, with the exception of demolition, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

**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).

- (6) No development, other than demolition, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

- (7) No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the TREE SURVEY, ARBORICULTURAL IMPLICATION ASSESSMENT dated June 2018 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policy DM5 of the Development Management Policies Document 2015 and in the interest of environmental sustainability as required by Policies CS1 and CS4 of the Core Strategy 2007.

- (8) Before any occupation of the development hereby permitted, the flank window of Flat T2 on the third floor shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

- (9) Before any occupation of the development hereby permitted, the balconies to Flat F6 (first and second floor) and Flat T4 (third floor) shall be provided with 1.7m high flank privacy screens, which shall thereafter be retained as such.

Reason: To protect the amenities and privacy of the adjoining flats in accordance with Policy DM10 of the Development Management Policies Document 2015.

- (10) Electric charging points shall be installed in 3 of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: To protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Paragraph 110 of the NPPF 2018.

- (11) 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

b) 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 Greenfield discharge rate of 1 l/s.

c) 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.).

d) 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.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) 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 in accordance with Policy C6 of the Core Strategy 2007

- (12) 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, in accordance with Policy C6 of the Core Strategy 2007**

- (13) The development hereby approved shall be constructed in accordance with the sustainable construction techniques and energy efficient measures outlined in the Sustainability Statement dated April 2018 unless otherwise agreed in writing with the local planning authority.**

**Reason: In order to promote sustainable construction in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).**

- (14) Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, to be located within the proposed development. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.**

**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.**

- (15) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles 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: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 37, of the Development Management Policies Document 2015.**

- (16) 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) vehicle routing**

**(g) measures to prevent the deposit of materials on the highway**

**(h) on-site turning for construction vehicles**

**(i) hours of construction**

**has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

**Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.**

- (17) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for;**

**(a) secure parking for a minimum of 35 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.**

- (18) The development hereby approved shall not be first occupied unless and until the proposed modified access to East Street has been constructed 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: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.**

- (19) The development hereby approved shall not be first occupied unless and until the two Western most existing accesses from the site to East Street 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, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007**

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

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

- (21) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

- (22) Prior to the commencement of development, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, 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.

**Informatives:**

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

- (3) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (4) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (5) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
- (7) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (8) 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).
- (9) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (10) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority

**will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage**

- (11) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:**

**<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>**

**for guidance and further information on charging modes and connector types.**

This page is intentionally left blank

---

## Appeal Decision

Site visit made on 5 February 2019

**by Amanda Blicq BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 February 2019**

---

**Appeal Ref: APP/P3610/W/18/3205106**

**Land adjacent to the Kings Arms Public House, 144 East Street, Epsom KT17 1EY**

- 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 Mr Jon Bowen of Dalton Warner Davis LLP against the decision of Epsom & Ewell Borough Council.
  - The application Ref 17/01209/FUL, dated 8 November 2017, was refused by notice dated 31 January 2018.
  - The development proposed is erection of a three storey building to provide 8 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store, and the demolition of a single storey annexe extension to Kings Arms Public House.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the application was determined, the amended National Planning Policy Framework (the Framework) has been issued. This sets out that provision for affordable housing is not required except in cases of major development. As the Council's Local Plan predates this edition of the Framework, the Council has withdrawn its reason for refusal relating to a commuted sum for affordable housing. On the basis of the evidence before me, I see no reason to disagree with the Council in this regard.

### Main Issues

3. The main issues are the effect of the development on:
  - The character and appearance of the area, including whether there would be harm to a locally listed heritage asset;
  - The living conditions of occupiers of The Stanfords and Yeomanry Close with particular regard to outlook, light and privacy;
  - The living conditions of future occupiers with particular regard to private amenity space and outlook; and,
  - Whether the development would secure the comprehensive redevelopment of the site and preserve the heritage asset.

**Reasons***Character and appearance*

4. The appeal site is land associated with the former Kings Arms public house. To the side and rear, the site abuts three storey flatted accommodation on Yeomanry Close and at The Stanfords. The development would comprise a flat roofed three storey flatted development built in a boxy contemporary style.
5. The Kings Arms is an early 19<sup>th</sup> century two storey hipped roof building fronting one of the original routes leading out of Epsom town centre. It is locally listed, and although the front ground floor fenestration appears to be a 20<sup>th</sup> century alteration, the building has retained what appears to be the original first floor fenestration. There is also plaster ornamentation on the front elevation, dating from 1903. I conclude that the building's significance is derived from its position in relation to East Street and its social history, as well as its historic fabric, scale and detailing.
6. The heritage report states that the building is of low significance, and that the demolition of a 20<sup>th</sup> century single storey kitchen extension would have negligible or neutral impact. I see no reason to disagree with this conclusion in respect of the demolition, which is reinforced by the officer's report.
7. With regard to setting, the report concludes that the Kings Arms is only appreciated from its immediate environs and that the surrounding streetscape has been subject to extensive change. It is argued that the development would reinstate a former building frontage. However, the former building frontage appears to have been semi-detached dwellings, shown on the 1838 map. It is highly likely that these dwellings would have been comparable at least in scale and construction methods to the Kings Arms. Although there are contemporary buildings on the other side of East Street, these are not viewed in the context of the Kings Arms. The Stanfords bears little relationship to the Kings Arms in architectural terms, but there is sufficient separation for it to have little visual impact on the Kings Arms' setting.
8. When viewed from the street, the development would sit between the hipped roofed Kings Arms and the gable end of The Stanfords. Its flat roof would be significantly taller than the Kings Arms' ridge line as well as the eaves height of The Stanfords. Given the separation distances, the development would appear disproportionately tall and bulky in relation to both of its neighbours, and it would have a poor relationship with the height and form of the Kings Arms. The scale and proximity of the development would also diminish the impact of the Kings Arms' more finely scaled detailing. I disagree that the development would provide an appropriate building frontage in this context. My conclusions in this regard are reinforced by the conservation officer's recommendation that a two-storey building would be most appropriate in this location to avoid the Kings Arms being overwhelmed by a taller structure.
9. I appreciate that the development's footprint would be similar to that of The Stanfords. However, The Stanfords appears to accommodate its three storeys over a lesser height than the development proposed. One section of the development's front elevation would be slightly set back from the building line, with a further set back at second floor level. However, the main bulk, height and outer wall of the front elevation would be unrelieved by such set backs.

Moreover, compared to The Stanfords the development would appear to be elevated, and would appear prominent and intrusive in the street scene.

10. There are two sycamores (T2 and T3), of some stature on the site's southern boundary. These are assigned category 'B3' in the arboricultural report, indicative of moderate to high landscape value. The report notes that they are in good condition and have life expectancies of more than twenty years. Under BS5837:2012 a Category B tree would normally be considered to be a material constraint to development. However, these sycamores and a smaller companion tree would be removed to accommodate the development's parking.
11. The tree report appears to justify the loss of the sycamore T2 on the basis that it is relatively small in stature, despite it being listed as 10 metres tall. The loss of T3 is justified on the grounds that although it currently provides screening, there would be less footfall on the site if the development is allowed. However, I noticed that both T2 and T3 are prominent in views of the site from the public domain and soften the rear elevation of Yeomanry Close when viewed from East Street and across the existing (and proposed) car park. Moreover, although the report suggests that replacement trees could be planted in the amenity area to the south-west of the site, there is nothing before me to identify that area. The only area which appears to be available already has a tree. There appears to be little room for any additional planting of significance in the current layout, even if a condition was imposed.
12. Moreover, it is also proposed to cut back the canopy of a tree located along the boundary with The Stanfords. It is argued that this tree cannot be seen from any windows. However, this tree is very visible from the public domain and the pruning would reduce its visual amenity value. Moreover, notwithstanding that it has deadwood in the canopy, it is also visible from windows at The Stanfords and provides a buffer between those flats and the appeal site.
13. As such, I give limited weight to the content of this report and conclude that the development would lead to a significant loss of such established tree cover as there is within and near the site.
14. I conclude that the development would be detrimental to the character and appearance of the area. It would therefore be contrary to Policy CS5 of the Core Strategy (CS) and Policy DM8 of the Development Management Plan (DMP) with regard to the impact of development on a heritage asset, as well as DMP Policy DM5 which sets out to protect and enhance tree cover and which requires replacement planting where trees are to be removed. The development would also be contrary to the design requirements of DMP Policy DM10 insofar as this seeks to ensure that new development should respect, maintain or enhance local character and distinctiveness.

#### *Existing occupiers*

15. Primary windows at the The Stanfords would be directly opposite the development at a distance of some 9.8 metres. I agree that oblique views from the end windows could be directed past the corners of the development. However, this would not be case for the inner windows of The Stanfords, or direct views from the outer windows. The development would have a significant enclosing and overbearing effect on outlook for occupiers of The Stanfords.

16. There is a greater distance between the development and Yeomanry Close, and the elevation facing Yeomanry Close is narrower. Consequently, I have less concern in relation to outlook from flats at Yeomanry Close as the development would be less overbearing and less enclosing for those occupiers.
17. A Daylight and Sunlight report has assessed the development's impact on light levels in The Stanfords. This concludes that the development would not have a detrimental impact on light levels for the majority of primary windows, measured through the application of three criteria, Average Daylight Factor (ADF), No-Sky Line (NSL) and Vertical Sky Component (VSC). Having reviewed the report's results I conclude that about one third of windows would have ADF and NSL levels below the threshold at which adverse effects are to be expected. Furthermore, two windows serving habitable rooms would be adversely affected in respect of all three criteria. The fact that light levels in most habitable rooms would not fall below the thresholds does not diminish or justify the harm that would be experienced by the occupiers of those flats that would be so affected. Moreover, although the centre line of windows serves a communal hall, it does not necessarily follow that reductions in daylight and sunlight within the communal area are acceptable to occupiers of The Stanfords. The development would also cause significant overshadowing to The Stanfords' communal garden.
18. The appellant argues that the development would have similar separation from nearby flatted development to dwellings on Middle Close. However, those dwellings have a different scale and urban grain to that under consideration, and I conclude that the situations are not comparable.
19. Although the decision notice refers to issues relating to privacy for existing occupiers, the windows facing The Stanfords would have obscured glazing or louvres. As such, and in the absence of more specific concerns raised by the Council or other parties, I find no harm in relation to overlooking.
20. I conclude that there would be a detrimental effect on the living conditions of occupiers of The Stanfords in relation to outlook and light. This would be contrary to DMP Policy DM10. CS Policy CS5 and DMP Policy DM9 appear to be concerned with heritage assets and the built environment rather than living conditions, and as such weigh neither for nor against the appeal in this regard.

#### *Future occupiers*

21. There would be full height glazing to the combined living/kitchen areas of the ground floor flats, but their proximity to the car park access and footway would require the use of louvres to provide privacy for occupiers. Although each room would have a section of unobstructed glazing, it would be a small proportion of the overall glazed area. Moreover, two bedrooms on the ground floor would have narrow windows which would look directly onto the site boundary some 1.5 metres away. On the first and second floors, bedrooms on the rear elevation would have either louvred screens across the full expanse of glazing, or obscure glazing to a height of 1.7 metres.
22. Whilst the use of louvres and obscure glazing might be acceptable in some circumstances to mitigate specific and limited issues within a development, the extent of such devices across this development seems to acknowledge that there would be significant issues of loss of privacy for future occupiers, as a consequence of the proximity of the flats to the public domain or other

residential development. It would also have an adverse impact on outlook from the bedrooms and be detrimental to living conditions.

23. With regard to amenity space, a small garden for occupiers of Unit 1 would be remote from the flat and tucked in next to the bike store in the corner of the site. It would be accessed from a path leading around the development's front and side elevations, which is not what I would consider to be direct access. This would be highly unsatisfactory as amenity space and unlikely to be used. In any event, it would be heavily shaded by the adjoining bike store, the flatted development on Yeomanry Close and the site boundary, which would limit its usability.
24. The balconies for Units 3 and 5 would not meet the Council's requirements with regard to amenity space. The appellant argues that the balconies could be increased in size to meet the standard if the appeal was allowed. As amended plans appear to support this argument, I conclude that this shortfall could be addressed through minor layout changes.
25. Nonetheless, I conclude that the development would have an adverse effect on the living conditions of future occupiers with regard to outlook and amenity space. This would be contrary to DMP Policy DM10 with regard to the amenities of occupants, and DMP Policy DM12 which is concerned with housing standards.

#### *Development on adjoining land*

26. CS Policy CS5 requires development to have regard to the need to develop land in a comprehensive way. On the basis of the evidence before me I conclude that it is unlikely that the Kings Arms could be re-established as a public house. However, although the appellant has set out a hypothetical residential conversion of the Kings Arms buildings, it remains that the appeal before me is for one part of the current Kings Arms plot only, and therefore represents a piecemeal approach.
27. I appreciate that additional parking could be provided by reducing the remaining garden area of the Kings Arms. However, that is not the appeal before me and reinforces my impression that there is a lack of certainty and clarity regarding the future development of the Kings Arms site. In any case, as the site is designated as potential housing land it is unclear why a more comprehensive plan, that includes the Kings Arms, could not be submitted. As such, I conclude that the development would fail to secure the comprehensive redevelopment of the site and preserve the heritage asset. It would therefore conflict with CS Policy CS5.

#### *Planning obligation*

28. There is a draft planning obligation before me which sets out arrangements for an affordable housing contribution, in line with the Council's decision notice. However as noted above, the Council has withdrawn this reason for refusal and as such there is no need for me to consider the obligation further.

#### *Other matters*

29. Interested parties have raised concerns relating to traffic flow and parking stress, the loss of a public house and construction disturbance. Whilst I appreciate these observations, particularly in relation to traffic flow and

congestion, as I have found harm in relation to the main issues it is not necessary for me to consider these concerns further.

30. The appellant argues that the Council does not have sufficient housing land supply. However, there is nothing before me to substantiate this claim. Even if I gave this argument weight, the benefits of the development would not outweigh the harm I have identified above.

### **Conclusion**

31. In the light of the above, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR



Scale : 1:1323

Date 04 March 2019	
Comments	
SLA Number 71	

This page is intentionally left blank

## **Former Police Station, Church Street, Epsom**

The demolition of the former police station, and the erection of two residential blocks comprising a total of 29 residential units (11x1bed, 11 x2 bed and 7x3 bed), with associated car parking and landscaping.

<b>Ward:</b>	<b>Town Ward;</b>
<b>Contact Officer:</b>	<b>Karen Haizelden</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=P3GOYRGYJ2X00>

### **2 Summary**

- 2.1 This application is the demolition of the former Epsom Police Station and the erection of two residential blocks comprising a total of 29 residential units (11x1bed, 11 x2 bed and 7x3 bed), with associated car parking and landscaping.
- 2.2 The proposal complies with relevant policies contained in the Development Management Policies Document 2015.
- 2.3 The proposal is recommended for conditional permission subject to securing a s.106 Agreement.

### **3 Site description**

- 3.1 The property lies within the town centre of Epsom on the western side of Church Street adjacent to the Church Street Conservation Area and in close proximity to the junction formed by High Street and Upper High Street. This is a mixed use location, and neighbouring uses include an Ambulance Station, Epsom Clinic, offices and residential properties.
- 3.2 The pedestrian only section of The Parade lies to the south west rear boundary of the site. The Parade provides pedestrian access from Worple Road to Epsom Town Centre and is characterised by neighbouring semi-detached and detached houses orientated towards the footpath.

- 3.3 The property comprises a purpose built Police Station constructed in the 1960's on an L-Shaped plot. The accommodation is arranged over two and three storeys with a small basement area. A single storey garage block lies to the rear. The central parts of the property are constructed over three storeys under a pitched tiled roof. The two storey elements comprise the wings to north and south under flat roofs.
- 3.4 Access to the property is afforded directly from Church Street, and makes use of an "in-out" driveway. There is a small basement area housing plant and equipment and locker room space. The ground floor parts comprise primarily cellular office accommodation and the redundant custody block. The first floor accommodation comprises a mix of open plan and cellular office accommodation, whilst the second floor parts provide a conference room, kitchen area and canteen.
- 3.5 In total, the site extends to 0.255 hectare (0.63 acre). With existing buildings of approximately 2000 square metres and surface totalling 1500 square metres and an existing roof ridge level of 12.5 metres.
- 3.6 Historically planning guidance was set out within the Upper High Street, Depot Road and Church Street Development Brief adopted November 2012. The Development Brief provides for a maximum building height in this location of 12 metres. This suggests a development over 3 or 3½ storeys.
- 3.7 The site ceased its operational use as a Police Station in 2012.
- 3.8 In 2011 Surrey Police sold off approximately 25 of their Surrey Police Stations. The sale concluded with the sale of Epsom Police Station in 2016.

#### **4 Proposal**

- 4.1 The proposal is for two residential blocks. Block A will face Church Street and comprise a four storey building. Block B will be located to the rear of the site and will be three storeys in height.
- 4.2 The two blocks will be composed of one, two and three bed apartments. There will be 29 apartments in total (11x1bed, 11 x2 bed and 7x3 bed). Block A will consist of 18 apartments and Block B will consist of 11 apartments.
- 4.3 Block A is a 4 storey block comprising of 18 x flats (5 x 1 bed, 9x 2 bed and 4 x 3 bed). Block A would be 19 metres in width, 21 metres in depth, 11.8 metres in height to the top of the parapet of the fourth floor.
- 4.4 Block B is a 3 storey block comprising of 11 flats (6 x 1 bed, 2 x 2 bed and 3 x 3 bed). Block B would be 15.5 metres in width, 20 metres in depth, and 9.5 metres in height to the top of the third floor.

- 4.5 There will be 24 associated car parking with the access arrangements to the site remaining the same as the existing, through an in and out driveway onto Church Street.
- 4.6 Some apartments will have individual balconies and there will be a communal amenity space of 300m<sup>2</sup> located to the rear of the site.
- 4.7 The existing boundary wall to the site will be cleaned and enhanced and lowered in places and there will be a new wall and railings facing onto the main Church Street entrance to Block A.
- 4.8 The boundary treatment and landscaping in the communal areas will be enhanced with the planting of new trees and the retention of the preserved trees on the site.

## **5 Comments from third parties**

- 5.1 The original application was advertised by means of letters of notification to 45 neighbouring properties. 13 letters of representations and 1 letter of support have been received, including letters from the Epsom Civic Society. The letters of objection stated the following:
  - Should be part of a comprehensive scheme
  - Debatable whether the proposed design preserve or enhance conservation area
  - Design lacklustre and uninspiring no originality or architectural merit
  - Inadequate on site car parking increased to the streets
  - Overbearing for the historic houses in the vicinity
  - Residential next door to working ambulance station may cause issues between neighbouring residential properties
  - Existing on street parking problems and highway safety issues will be made worse
  - Bulk and mass should be reduced to allow more landscaping
  - Overlooking and loss of privacy
  - Light pollution
- 5.2 The letter of support stated the following:
  - Housing and flats needed in the Borough
  - Design looked acceptable
  - But felt number of parking spaces inadequate
- 5.3 Amended drawings were received on the 7 January 2019 and neighbours were re-consulted. To date (27/2/2019) an additional 6 letters of objection have been received, 2 from addresses which had not previously objected. The objections stated the following concerns:
  - proposed design does not preserve or enhance conservation area
  - Design lacklustre and uninspiring no originality or architectural merit

- Inadequate on site car parking increased to the streets
- Existing on street parking problems and highway safety issues will be made worse
- Should have pitched roofs
- Bulk and mass
- Stress on the Town Centre from various developments and construction works
- Overlooking and loss of privacy

## 6 Consultations

- 6.1 **SCC Highways** – No objection, subject to conditions.
- 6.2 **Archaeological** - The proposed development is located within an Area of High Archaeological Potential (AHAP) defined around the historic core of Epsom. As such, I am pleased to note that the applicant has taken on board the archaeological implications of the proposed development and have submitted an archaeological desk based assessment (DBA), produced by their archaeological contractor Archaeological Solutions, in support of their application.
- 6.3 The DBA provides suitable data on which the archaeological potential of the site can be assessed, although I am not in full agreement with its conclusions on the archaeological potential of the site. However, it is clear from the recently reviewed definition of the site as an AHAP, and the data presented in the report, that there is a high potential for the presence of Heritage Assets of archaeological significance from the medieval through to the post-mediaeval period. That potential may be lower for earlier periods but as noted in the report, there is a low instance of archaeological investigation within the vicinity of the site by which that might be better judged. As such, I would consider there to be an unknown potential for the prehistoric period and later periods through to the medieval.
- 6.4 Given that the site has a high potential for Heritage Assets of archaeological significance to be present, I would agree with the report that there is a need for further archaeological work in the form of a trial trench evaluation to determine the archaeological potential of the site. The evaluation should target the areas outside the footprint of the existing buildings where the potential for the presence of undisturbed archaeological horizons is highest.
- 6.5 The evaluation should best take place ahead of the demolition of the existing buildings with its results used to inform the need, or otherwise for further mitigation measures. Such measures may take the form of archaeological monitoring or excavation.

- 6.6 Given that any Heritage Assets that may be present are only likely to be of local or regional significance, I do not recommend that it is necessary for the archaeological work to be undertaken in advance of any planning permission but would recommend that securing the archaeological work as a condition of any planning permission is an acceptable and proportionate response. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and should be attached to any planning permission:
- 6.7 *“No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.”*
- 6.8 This has been added to the Planning Conditions as condition 4.
- 6.9 **Tree Officer** - has concerns with regard to the proposed new building line and the root protection zone of the Cedar street tree on Church Street. In accordance with the British Standard the applicant needs to demonstrate that roots of the tree will not be damaged by the proposal, this will be the subject of a planning condition. This will cover demolition, foundation construction and service installation. Adequate spatial separation is key to successful tree integration in this situation.
- 6.10 Proximity of balconies to tree canopy of this street tree will be within a couple of feet of the building. There may be an unreasonable maintenance burden for future occupants.
- 6.11 Underground services and conflicts with the RPAs will need to be properly investigated prior to the commencement of development and strategies agreed with reference to the relevant British Standards of Tree protection.
- 6.12 The proposal includes a front boundary wall / fencing, with no tree protection details regarding its construction. There is no mention of how this will be constructed without damaging tree roots. It is not clear if the retaining wall which the tree is growing in will need to be removed for highway visibility. It is shown removed in the design and access statement. If this happens it is highly likely to kill the tree this is unacceptable so details will need to be agreed in advance of any development on site.
- 6.13 **SCC SUDs** - We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission is granted. We would however recommend that should planning permission be granted, that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development. Suggested conditions are below.

- 6.14 Note: The Applicant states: '*...the site is located within a Zone 1 Source Protection Zone negating the use of infiltration techniques from hardstanding areas.*' However Environment Agency Guidance 'Groundwater protection: Principles and practice (GP3)' (August 2013 Version 1.1) states: '*We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.*'
- 6.15 *Where infiltration SuDS are proposed for anything other than clean roof drainage (see G12 - discharge of clean roof water to ground) in a SPZ1 we will require a risk assessment to demonstrate that pollution of groundwater would not occur.* (Position Statements: G12 and G13). Therefore the use of an infiltration based system should be investigated with BRE Digest: 365 tests, ground water level testing and risk assessment from a Geotechnical Engineer
- 6.16 **Epsom Civic Society** - Preferred the slated mansard roof design not fully acceptable. Car parking provision is inadequate car parking basement parking would resolve this issue

## 7 Relevant planning history

### 7.1

Reference number	Proposal	Decision	Decision date
92/00206/ZGD	Installation of ramp for disabled persons.	No Objections	22 May 1992
95/00481/DOE	Alterations to garage block to provide forensic room.	No Objections	25 September 1995

## 8 Planning Policy

### National Policy Planning Framework (NPPF) July 2018 /Updated February 2019

Chapter 5:	Delivering a sufficient supply of homes
Chapter 7:	Ensuring the Vitality of Town Centres
Chapter 8:	Promoting Healthy and Safe Communities
Chapter 9:	Promoting Sustainable Transport
Chapter 11:	Making Effective Use of Land
Chapter 12:	Achieving Well-designed Places
Chapter 16:	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable Housing and Meeting Housing Needs
Policy CS16	Managing Transport and Travel

Development Management Policies Submission Document November 2014

Policy DM4	Biodiversity
Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Plan E An Area Action Plan for Epsom Town Centre 2011

Supplementary Planning Guidance

Revised Developer Contributions 2014  
Parking Standards for Residential Development 2015  
The Vacant Building Credit April 2018  
Upper High Street, Depot Road and Church Street Brief 2012  
Planning considerations

Principles of Residential Development

- 8.1 The principle of demolishing the existing Police Station and replacing it with a new residential development has been established in Plan E and the supplementary planning documents relating to the site.
- 8.2 The Government's standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 667 under the housing delivery test as published on 20<sup>th</sup> February 2019. Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 8.3 The redevelopment of this brownfield site in a highly sustainable location is acceptable in principle subject to other material considerations.

Design and Visual Amenity

- 8.4 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the Borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 8.5 The existing Police Station is an example of 1970s office development with unrelenting concrete façades of limited visual merit. This proposal involves the demolition of the existing buildings on the site. There are no internal or external features of the building that merit preservation.
- 8.1 The revised proposals draw on detailing and design typologies which are typical of the form and style of development found in Epsom; in particular from the adjacent Conservation Area and wider town centre. Design references have been taken from the nearby buildings. The proposal will consist of two residential blocks. Block A to the Church Street frontage will be four storeys in height. Block B will be three storeys in height. The two blocks have a common design theme of traditional red brick façades with stone and modern concrete to give the impression of stone detailing.
- 8.2 The upper storeys of both blocks are recessed forming an attractive parapet style detail. This will also serve as a roof terrace balcony for future residents. The windows proposed are traditional design sash style with Georgian like panes with stone effect headers and sills. Other design features include iron railings.
- 8.3 The proposed height of Block A is 11.5m and Block B is 9.5m to the top of the building.
- 8.4 The proposed fenestration and appearance from Church Street will be an attractive entrance feature to the town centre. This traditional design will be prominent giving a sense of grandeur and style. Although modern materials will be used the design will reflect the surrounding area. This is considered a good balance in this location presenting a well-designed attractive building that will blend into the historic surroundings, be contextually appropriate and make a positive statement within the street scene.
- 8.5 It is therefore concluded the proposed scheme in terms of its design, scale and massing would have a positive impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM8, DM9 and DM10.

Heritage Assessment

- 8.6 As well as being located adjacent to the Church Street Conservation Area, there are a number of listed buildings and locally listed around the site. The impact of the development on the individual heritage assets have been assessed.
- 8.7 The proposals to demolish the former police station and erection of two residential blocks to the front and rear side of the site will result in a neutral impact to The Hermitage which has historically had a large building on the site. The proposal for a four storey building is not out of context for the site or the setting of the Conservation area and does not affect its setting.
- 8.8 Ashley Cottages are to the rear of the site and face on to the rear boundary wall. Block B is set back from the rear boundary wall and is stepped back with a hipped roof which softens the scale of the building in line with other properties in the surrounding area. A large open view of the rear of the site is retained as is currently experienced by the heritage assets along The Parade. The development will have a neutral impact on the setting of Ashley Cottages.
- 8.9 The Cedars is an important heritage asset to the conservation area and is visible along Church Street. The development will not affect this view and will be interrupted by the existing trees that line Church Street. The new blocks reference the red brick materials of The Cedars and local area.
- 8.10 The proposed demolition of the former police station and construction of two residential blocks to the front and rear of the application site will not impact on the setting of the Listed Buildings or Locally Listed Building or those identified as having a positive contribution. The retention of the boundary walls, the siting of the blocks and provision of further trees to the rear of the site enhances the site setting and will preserve the significance of the Heritage Assets located in the Church Street Conservation Area.
- 8.11 The proposed materials and designed brick masonry with rusticated rendered ground floor level and hipped roof acknowledges a number of the local architectural features. The scale of the residential blocks is reminiscent of the large properties that line Church Street and does not impact on the special historic interest of those buildings of interest as identified in the Conservation Area Map
- 8.12 The Church Street Conservation Area was designated in 2010 for the protection and enhancement of the heritage assets contained within it and for the prevention of unsympathetic works to unlisted buildings that would affect its significance.

- 8.13 The development will not have any material impact on the neighbouring Church Street Conservation Area. The existing building on the site offers no contribution to the aesthetic value or evidential value of the neighbouring conservation area and the proposed development seeks to enhance the visual benefits of the conservation area and neighbouring buildings.
- 8.14 The proposed residential blocks would retain a setback position along Church Road, maintaining the vista of the heritage assets along this view. The Parade has historically had a subservient view of the site and the setting is not affected by these proposals.
- 8.15 The site currently makes no material contribution to the setting and significance of nearby heritage assets. The proposed design respects the character of the area and presents the opportunity to greatly enhance the site's character and appearance. The proposal will result in no harm to the significance of the identified heritage assets. The proposal accords with Policy DM8.

Neighbourhood Amenity

- 8.16 The siting of the proposed building has taken into account the positioning of the existing surrounding residential dwelling and surrounding properties.
- 8.17 There is a separation distance of 11 metres at the closest point between the rear of Block B and the property boundary with a further 10 metres to the nearest habitable room window of the dwellings on The Parade, giving an overall distance of 21 metres. Given the separation distances involved, the buildings will have no direct overlooking into properties at the rear. Given the existing commercial nature of the site the potential overlooking from office building windows could potentially be worse. In this respect the residential balconies and windows now proposed will have a traditional residential back to back building relationship.
- 8.18 The building set back and increased landscaping to the rear boundary will prevent the building from having an overbearing impact on the outlook of residential properties on the nearby surrounding streets.
- 8.19 The extent of any potential overlooking from the proposal will not be material, or harmful overlooking of nearby residential properties. The proposed scheme would comply with Policy DM10.

Housing Space Standards

- 8.20 The Nationally Described Space Standards (2015) set clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 8.21 The proposed 3 bed 4 person flats would have an internal floor space area of 74m<sup>2</sup>, the 2 bed 3 person flat would have an internal floor area of 61m<sup>2</sup> and the 1 bed 2 person units would have an internal floor area of 50m<sup>2</sup>. Each flat would comply with the Nationally Described Space Standard Technical requirements in terms of GIA and bedroom sizes and therefore also comply with Policy DM12.

Amenity Space

- 8.22 All the flats would have access to the 300m<sup>2</sup> of communal amenity space to the rear of the site. Overall this would be adequate in terms of both size and quality to suit the needs of future residents of the apartments. In addition some of the apartments will have balconies as private amenity areas.

Car Parking and Access

- 8.23 The Council's adopted Parking Standards requirements for the car parking provision within residential developments in this Town Centre location are a 0.75 spaces for 1 and 2 bed properties and 1 space for a 3 bedroom properties. There are 22 x 1 and 2 bed=16.5 spaces and 7 x 3 bed =7 spaces. Paragraph 4.4 of the adopted parking requirements says this figure must be rounded up to whole spaces. Therefore the proposal would lead to a car parking requirement of 24 car parking spaces.
- 8.24 These have been provided on site around the two residential blocks. The proposal therefore complies with the Council's adopted car parking requirements.
- 8.25 Given that this is a highly sustainable location with train station and numerous bus services in close proximity and walking distance to the town centre shops and other facilities this level of car parking is considered to be appropriate to serve the development. The car parking will be situated to the rear of the site and is arranged in two banks of car parking spaces providing the 24 spaces required by the Council's Car Parking Standards.

- 8.26 Surrey County Council Guidance suggests that for developments of flats or apartments, 20% of available parking spaces should be fitted with a fast chargepoint with sufficient power supply made available for a further 20% of spaces to be fitted with additional fast chargepoints. It is expected that this guidance will be reviewed and updated as Electric Vehicle uptake progresses. In this respect at least 6 spaces would be required to be Electric Vehicle. Also a further 6 spaces should be available if required in the future. Refer to Condition 14.
- 8.27 Cycle parking will be provided to comply with the SCC Cycle Parking Standard 1 and 2 bedroom units requiring 1 space, 3 or more bedroom unit 2 spaces. The proposed number of spaces required is therefore 36 spaces. This will be secured by condition. The exact location within the site will be clarified as part of this condition. Refer to Condition 13.

#### Waste Management

- 8.28 The Applicants have indicated that they will be using a private waste management collection and disposal service. The exact details will be the subject of a planning condition to ensure that the development and service available to future occupiers of the development is compliant with the Council's existing waste collection and disposal services for the Borough. Refer to proposed conditions 20 and 21 for the detail.

#### Ecology and Biodiversity

- 8.29 Given the existing buildings on the site the proposed built area to site area is acceptable. Accordingly, there would be no adverse impact on the ecology/biodiversity, in compliance with DM4 which requires that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 8.30 The application is supported by a bat survey that has not found any evidence of bat presence at the site.
- 8.31 There will be swift bricks to encourage the local bird population.
- 8.32 Other recommendations in the ecological report will also be secured by means of condition.

#### Trees and Landscaping

- 8.33 A Tree Preservation Order is in force on the site (reference TPO 451) covering a number of lime trees and a beech positioned toward the southern site boundary. Consequently, any person intending to carry out any operations involving trees is required to consult the Council before works are undertaken.
- 8.34 The principle arboricultural features on or near the site are the lime trees and a beech positioned toward the southern site boundary and a number of offsite street trees located to the east.

- 8.35 Of the total of 11 trees and groups on the site, all will be retained and none are scheduled to be removed to facilitate this development proposal. However, four trees/groups will have activities arising from the development occurring within their root protection areas.
- 8.36 These activities include the upgrade of the existing surfacing and the return of some areas of tarmac to soft landscaping. If appropriate care is taken and the sensitive work is properly supervised and implemented correctly, then the proposed development is arboriculturally acceptable, with a low risk of any adverse impact on the nearby trees to be retained.
- 8.37 Details of hard and soft landscaping would need to be secured by an appropriate planning condition in this respect the proposal would comply with Policy DM5 – Trees and Landscape.
- 8.38 A particularly significant street tree is the Cedar tree situated to the front of the site in Church Street. While this tree is a street tree and not within the application site. Nevertheless every step will be taken to ensure the future survival of this tree during the construction process. As the tree has been identified in having an important impact upon the street scene. Stringent conditions to ensure its survival are recommended. Refer to conditions 5, 6 and 7 in relation to this tree.

#### Affordable Housing

- 8.39 In November 2014 the Government introduced a new threshold for affordable housing contributions so that only developments of over 10 dwellings or 1,000 square metres of gross floorspace would be required to provide a contribution to the provision of affordable housing. The Government considers that this will assist in the delivery of housing on small-scale sites. This is further reflected in the revised NPPF.
- 8.40 The Government has also introduced the Vacant Building Credit, in order to incentivise the development of brownfield sites. This is a financial credit equivalent to the existing gross floorspace of vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. The credit applies where vacant buildings are proposed to be brought back into lawful use or demolished and redeveloped. The credit does not apply to buildings which have been abandoned.
- 8.41 In light of these changes, the following guidance as to how the Council will apply the Vacant Building Credit and the implementation of Core Strategy Policy CS9.
- 8.42 The Planning Practice Guidance states that:

- 8.43 *"Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought".*
- 8.44 *"Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided".*
- 8.45 *"The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought".*
- 8.46 The applicant have submitted a Viability Report and this has been evaluated by independent Consultants to advise the Council on viability and affordable housing. These Consultants have identified a need for 2 affordable housing units within the scheme. The applicant has agreed with the final assessment.
- 8.47 In this case the applicant has agreed for these social rent units to be provided on site and that in the event it is not possible to locate a Registered Provider willing to take on the units, that a commuted sum will be secured. The commuted sum will be £299,880 in lieu of the on-site provision of affordable housing
- 8.48 The amount of the commuted sum has been arrived at through the viability appraisal process.

#### Sustainability

- 8.49 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 8.50 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

#### Community Infrastructure Levy

- 8.51 The proposal would be CIL liable.

## 9 Conclusion

- 9.1 The proposal meets planning policy objectives and gives the opportunity to redevelop this vacant site currently an eyesore in the town centre.
- 9.2 The proposal would incorporate all the principles of good design in accordance with NPPF and relevant Development Management Policies.
- 9.3 The development would make a positive contribution to the town centre and make a contribution to meeting housing need pursuant to the national policy to significantly boost the supply of housing.

## 10 Recommendation

### Part A

- 10.1 Subject to a legal agreement being completed and signed to secure the following heads of terms:

- Provision of two social rented units on site;
- A commuted sum of £299,880 in lieu of the on-site provision of affordable housing
- A mechanism to review the viability of the development in the event that it does not reach completion of the ground floor slab level within three years from the date of the planning permission.

The Committee authorise the Head of Planning to grant planning permission subject to the conditions set out below.

### Part B

In the event that the section 106 Agreement referred to in Part A is not completed within 3 months from the 14 June 2019 the Head of Planning is 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 CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of a housing or a commuted sum in lieu of the on-site provision of affordable housing.

### **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:

**Plan Nos. - Description - Date received :**

**17.2538.118 Rev P6 Proposed Elevations Block A Jan 2019**

**17.2538.119 Rev P5 Proposed Elevations Block B Jan 2019**

**17.2538.121 Rev P6 Proposed Context Elevations and Site Section Jan 2019**

**17.2538.116 Rev P5 Proposed First Floor Layout Jan 2019**

**17.2538.115 Rev P5 Proposed Ground Floor Layout Block B Jan 2019**

**17.2538.110 Rev P6 Proposed Site/ Roof Layout Section Jan 2019**

**Reason: For avoidance of doubt and in the interests of proper planning to comply with Policy CS5 of the Core Strategy (2007).**

- (3) Prior to the commencement of development, details and samples of the external surfaces to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (4) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority

**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 DM8 and DM10 of the Development Management Policies 2015.**

- (5) No development, groundwork or site clearance shall be carried out until a full Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted to and approved by the Local Planning Authority. This will include all trees within the red line of the application as well as the mature Cedar street tree on Church Street just outside the curtilage of the site. The AMS will include 'trial hole' investigation data, a building foundation design specification (including appropriate section drawings) for any part of the building within a Root Protection Area (RPA) and will also

include details of all new services outside of RPAs, or acceptable methodology for working within RPAs. All works prescribed, both to trees and that related to construction activities shall be undertaken in strict accordance with this information. The protective measures, including fencing and ground protection, in accordance with this information shall be installed prior to any construction or groundwork commencing on the site and will remain until the development is complete.

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

- (6) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. The detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained and include existing and finished levels information around retained trees has been submitted to and approved by the local planning authority in writing. The landscape scheme will also identify new species, planting sizes, planting distances, density, numbers and provisions for the future maintenance of all new planting.

**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.

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

until all equipment, machinery and surplus materials have been moved from the site.

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

- (8) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

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

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

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

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

- (11) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to

and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- (i) hours of operation.

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

- (12) No development shall take place until details of existing and proposed finished site levels, finished floor and roof levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** In order to safeguard the visual amenities of the area / 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 2015.

- (13) No development shall be occupied until 24 car parking spaces have been laid out and 36 secure and covered cycle parking spaces have been provided. Turning areas indicated shall be used and retained exclusively for its designated purposes.

**Reason:** In Order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy (2007) and DM36 and DM37 of the Development Management Policies 2015.

- (14) No development shall be occupied until 6 spaces, (with a further 6 becoming available in the future if demand warrants it), have been fitted with fast charge sockets 7kw Mode 3 with Type 2 Connector 230v AC 32 Amp Single Phase dedicated supply.

**Reason:** In Order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy (2007) and DM36 of the Development Management Policies 2015

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

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

- (16) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the ecological assessment and plan of implementation prior to the first occupation of the development in accordance with the approved timetable detailed in the ecological assessment and plan. This will include bat boxes and swift bricks. The approved measures shall thereafter be maintained

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

- (17) No external lighting shall be installed on the site or affixed to any buildings including the two main residential blocks or placed within the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control

**light spillage and intensity of illumination. Only the approved details shall be installed.**

**Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

- (18) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first occupation of the building and thereafter retained in that condition.**

**Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

- (19) No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

- (20) No development shall take place until details for the storage and collection of waste on the premises, including the design and position of storage facilities for bins, recycling and the method of waste collection and disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.**

**Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.**

- (21) No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the local planning authority. The**

**measures shall be implemented in strict accordance with the approved details.**

**Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced in accordance with Policy CS6 of the Core Strategy (2007).**

- (22) The development hereby permitted shall not be occupied, until details of the hard surfaced areas shall be submitted to and approved in writing by the local planning authority. Such details shall show that the hard surface will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site. The development shall be carried out fully in accordance with the approved details and so maintained.**

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

- (23) No development shall take place until a scheme for the suitable treatment of all plant and machinery/air handling equipment against the transition of sound and/or vibration to the residential dwellings has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such.**

**Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015**

- (24) The main flat roof of both residential blocks hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.**

**Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (25) Prior to occupation of the development all details of the residential balconies including privacy screening be submitted to the Local Planning Authority for consideration and approval and then implemented in accordance with the approved details.**

**Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

**Informatives:**

- (1) 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.

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).

- (2) 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.
- (3) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-ewell.gov.uk>
- (4) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online <http://www.epsom-ewell.gov.uk>.

This page is intentionally left blank



Site Plan 1:1250

17/01586/FUL

Former Police Station  
Church Street  
Epsom  
Surrey  
KT17 4PS

This page is intentionally left blank

### **139 Holmwood Road, Cheam, Surrey, SM2 7JS (18/00998/FUL)**

Subdivision of existing property and erection of new build 4 bedroom dwelling

<b>Ward:</b>	<b>Nonsuch Ward;</b>
<b>Contact Officer:</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=documents&keyVal=PGA6TZGYL5600>

#### **2 Summary**

- 2.1 Subdivision of existing site and erection of new build 4 bedroom dwelling house including subterranean development of a basement and a small front facing balcony. The proposed development would have direct access onto Holmwood Road. The properties amenity space would be located at the front of the property and a light well at the rear of the property would provide daylight/sunlight to the bedrooms in the basement.
- 2.2 The site is bounded by a railway line to the north west, 137 Holmwood Road to the south west, 139 Holmwood road to the south east and public highway (Holmwood Road) to the north east.

#### **3 Site description**

- 3.1 The application property occupies the North West side of Holmwood Road. The site is located within a built up area.
- 3.2 The proposed site is a plot of land located at the rear of the garden of No. 139 Holmwood Road and is at the north western side of the existing property.
- 3.3 The principal elevation of the property would be north eastern facing and would open up onto Holmwood Road the site is situated adjacent to a row of 16 privately owned garages.
- 3.4 The character of the site is that it is a detached house in an area with a mixed composition between detached properties and terrace properties. The existing property is not listed nor is it located within a conservation area.

#### **4 Proposal**

- 4.1 Erection of a 4 bedroom dwelling with 1 associated car parking space, amenity space to the front and subterranean development of a basement
- 4.2 The proposed dwelling would be a maximum of 5.7 metres in height at mezzanine level and 4.8 metres in height at single storey height, 12 metres in width, and between 5.2 and 8.6 metres in maximum depth
- 4.3 Associated amenity space would be located at the front of the property.
- 4.4 The existing two metre fence would remain in place with an access for occupants and vehicles to enter the property. The current boundary is screened by dense vegetation.
- 4.5 The dwelling would be of a contemporary design it would have a dual-pitched roof and would be built out of facing brickwork.
- 4.6 The property would have large contemporary windows that open on to the amenity space.
- 4.7 The properties amenity space is located at the front of the proposed property, and would be set behind a 2 metre high fence.
- 4.8 3 of the properties 4 bedrooms would be located in the basement and would be served by a large light well.

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

- 5.1 The application was advertised by means of letters of notification to 15 neighbouring properties. To date (22.02.2019) 28 letters of objection have been received regarding:
  - Parking
  - Overdevelopment
  - Amenity space
  - Out of character
  - Issues with basement
  - Disruption during development
  - Proximity to boundary
  - Overshadowing
  - Privacy
  - Access to garages
  - Emergency access
  - Proximity to railway line

#### **6 Consultations**

- 6.1 Surrey County Council Highways: No objections – recommended conditions.

6.2 National Rail – no comments received at time of completing this report.

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
18/01117/FLH	31.12.2018	Erection of a single storey side extension, first floor rear extension and hip to gable roof conversion with rear dormer.	Permit
11/00011/FLH	25.05.2011	Erection of detached rear garage accessed off Holmwood Close	Permit

The approved plans for application 18/01117/FLH (Erection of a single storey side extension, first floor rear extension and hip to gable roof conversion with rear dormer) relates to the existing property and not the proposed dwelling. The extensions would be a minimum of 25 metres from the boundary of the proposed new dwelling.

**8 Planning Policy**

National Planning Policy Framework (NPPF) 2018

Householder Design Guidance 2004

Local Development Framework – Core Strategy 2007

Policy CS01 - General Policy

Policy CS05 - Built Environment

Policy CS06 - Sustainable Development

Policy CS07 - Housing Provision

Policy CS08 - Housing Location

Policy CS16 - Highways

Development Management Policies Document – 2015

Policy DM9 - Townscape Character and Local Distinctiveness

Policy DM10 - Design Requirements for New Developments

Policy DM11 - Housing Density

Policy DM12 - Housing Standards

Policy DM 37 - Parking Standards

## **9 Planning considerations**

- 9.1 The Development Plan sets out that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough. The main issues to consider when making an assessment of the application are the impacts of the proposals upon the character and appearance of the site and surrounding area.
- 9.2 The main issues for consideration in relation to this application are as follows:
- Principle
  - Design and Character
  - Flood risk
  - Landscaping
  - Quality of Accommodation
  - Impact on Amenity
  - Transport
  - Refuse
  - Sustainability
  - Community Infrastructure Levy

## **10 Principle**

- 10.1 Local Plan policies DM10 and DM13 set out that in-fill dwellings must provide adequate space separation, and maintain the character and appearance of the area, including landscaping, density and layout.
- 10.2 Policy DM11 states that in principle proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area are supported and that housing proposals must demonstrate how the density of development would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and not lead to a net loss of biodiversity.
- 10.3 The redevelopment of this site for an additional dwelling is therefore appropriate in principle, subject to compliance with other relevant Development Plan policies.

## 11 Design and Character

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 The immediate and wider area is characterised by detached and semi-detached houses, the new detached dwelling would be a standalone property which in principle would be in keeping with house typology of the surrounding properties.
- 11.5 The proposed dwelling would be a maximum of 5.7 metres in height. It would be set behind the front boundary enclosure that is approximately 2 metres in height which is the same as the existing boundary treatment and in unison with the 2.9 to 6.2 metre set back of the property from the front boundary it would not have a significant visual impact upon the design of the streetscene.

- 11.6 The property would be of a contemporary design with a mezzanine floor including a balcony, subterranean development and a dual pitched roof at two different heights. The property would not be strictly in character with the design of the immediate surrounding area which are examples of early post war architecture. However, due to the mixed typology and design of the surrounding properties it is not considered that the erection of a high standard contemporary property in this location would result in any unacceptable impacts to the character of the area. Furthermore, towards the north eastern end of Holmwood road there are three new build detached properties and as such, there is considered to be a precedent for the varying types of architecture.
- 11.7 It is considered that the standard of material would be key to achieving a high standard of design and as such details of the materials would be required as a condition to be discharged (See Condition 3).

#### Design Conclusion

- 11.8 To conclude, the design of the property varies significantly from that of the neighbouring architectural styles. However, it would be of a good standard of design and materials would be requested as sample to ensure that the finishes of the property are to a high standard. It would not be of an unacceptable scale or massing and would be set behind screening that is already in place. Therefore the proposed property would not be unacceptable in terms of design.
- 11.9 So as to ensure the design is maintained it is proposed to restrict the permitted development as set out in proposed conditions 8 and 9.

### **12 Landscaping and biodiversity**

- 12.1 The proposal includes details of hard landscaping at the front of the property otherwise there are no details of landscaping layout. Details of soft and hard landscaping would be required via a condition to be discharged should the application be approved. This condition will be discharged in co-operation with Epsom and Ewell's ecology officer to ensure that new plant species are of a high ecological value.
- 12.2 The proposal includes bird and bat boxes. This would be secured by condition to ensure a high ecological value, the condition will include the requirement for swift bricks (Condition 18).

### **13 Quality of Accommodation**

- 13.1 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m<sup>2</sup> for single bedroom and 11.5 m<sup>2</sup> for a double bedroom. All new units should be designed in accordance with the National Space Standards.

- 13.2 The application proposes a unit with 3 storeys of habitable floorspace and four bedrooms. The proposed internal floor space for a three storey 4 bedroom unit should be a minimum of 130 metres squared.

13.3

	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4 (Loft Room)	Total	Private Amenity Space
Proposed Dwelling	14.9 m2	12.8 m2	10.1 m2	12.25 m2	Approximately 140 m2	>approximately 76m2

- 13.4 The proposed property meets the minimum internal floor space standards as set out in the National Space Standards. Therefore the quality of accommodation would be acceptable in this regard.
- 13.5 The private amenity space required for a family size unit is 70 square metres. The proposed external amenity space would exceed the minimum square footage of external amenity space as shown in the table above and would therefore result in an acceptable quality of accommodation in this regard.
- 13.6 The three basement rooms would be served by an external light well. The light well is located to the south east of the property and would be served by a good level of natural sunlight.

#### 14 Impact on Amenity

- 14.1 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 14.2 The main dwellings to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at No. 139 Holmwood Road (Original dwelling) and No. 137 Holmwood Road to the south east.
- 14.3 The proposed property would be located at the rear of No. 139 Holmwood Road. It would be located adjacent to an existing garage and the two storey element of the property would be set approximately 11 metres from the boundary of No. 139 Holmwood Road. The proposed dwelling would not be considered to result in any unacceptable impacts upon the neighbouring amenity of No. 139 Holmwood Road in terms of overbearing, overshadowing or daylighting/sunlighting.

- 14.4 The proposed dwelling would be 3.2 to 4.4 metres to the eaves and would be set 1.8 metres from the boundary of No. 137 Holmwood Road. The proposed property would be located towards the rear of the garden of No. 137 Holmwood Road. The property would not be located adjacent to a large portion of the garden and would not be located to the north western side of the property. As such, its height massing and location would not be considered to result in any unacceptable impacts upon No. 137 Holmwood Road.
- 14.5 The proposed property would not include any side or rear facing windows above ground floor level and as such would not be considered to result in any unacceptable overlooking impacts
- 14.6 The proposed include a front balcony that would be able to see the garden of No. 139 Holmwood Road, however screening will be required as a condition to be discharged (Condition 11)

## **15 Transport**

- 15.1 The proposed site plan clearly shows that one car parking space is proposed with the additional dwelling. 2 parking spaces would be required for a family sized dwelling and as such this does not conform with council policy. It is however considered that the proposed dwelling could accommodate the necessary 2 parking spaces as such, details of hard landscaping would be required as a condition and shall be discharged in accordance with council parking standards.
- 15.2 Bicycle storage would be located at the rear of the property behind the car parking spaces. The proposal include 4 bicycle parking spaces. These should be located within secure bicycle stores. Details of the design and appearance of a dedicated bicycle store have been provided by the applicant and are acceptable.
- 15.3 The Highway Authority has no objection to the development.
- 15.4 It is therefore concluded that there would be no conflict with Policy DM37, which requires developments to demonstrate an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking and local traffic conditions.
- 15.5 Neighbouring consultation revealed some concerns regarding parking during construction and access to the garages in front of the property. To ensure that no significant restriction of access to the garages is caused by the proposal, a construction management plan will be required as a condition which will be discharged in consultation with Surrey County Council highways department (Condition 5).

## **16 Refuse and recycling**

- 16.1 The application has proposed to locate the refuse and recycling bins in bin stores at the front of the property. This would be considered to be acceptable as it would mitigate any increase in street clutter. The proposal include details of refuse storage containers in *Drawing No. 1017*

## **17 Sustainability**

- 17.1 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 17.2 An appropriate planning condition is recommended to secure their inclusion should the application be recommended for approval (Condition 12).

## **18 Community Infrastructure Levy**

- 18.1 The proposed scheme is CIL liable.

## **19 Conclusion**

- 19.1 The surrounding area is of a mixed building typology, as such the proposed property although of a different building style would not be considered to compromise the character of the surrounding area. This in unison with the height, massing and front boundary treatment of the property would not be considered to stand out within the streetscene.

The massing and location of the property would not be considered to result in any unacceptable impacts upon neighbouring amenity as the building would not exceed 4.4 metres to the eaves and has a separation distance of approximately 1.8 metres from the nearest residential property.

The proposed property would provide 1 car parking space when two are required, the site would be able to accommodate two car parking spaces. The applicant has agreed to an appropriate planning condition requiring details of two car parking spaces to be discharged prior to occupation of the development (Condition 16).

Concerns have been raised regarding the impacts upon access to the garages during construction. To mitigate this a construction managements plan will be required prior to commencement of the development to limit its impacts in this regard (See Condition 5)

## **20 Recommendation**

- 20.1 Application Permitted Subject to Conditions

**Conditions:**

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

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

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

SM2 7JS Drawing No. 1001 – Proposed Site Plan  
SM2 7JS Drawing No. 1002 – Proposed Site Ground Plan  
SM2 7JS Drawing No. 1003 – Proposed Site Section  
SM2 7JS Drawing No. 1004 – Proposed Ground Floor Block Plan  
SM2 7JS Drawing No. 1005 – Proposed Ground Floor Block Plan  
SM2 7JS Drawing No. 1006 – Proposed Basement Floor Plan  
SM2 7JS Drawing No. 1007 – Proposed Ground Floor Plan  
SM2 7JS Drawing No. 1008 – Proposed Mezzanine Floor Plan  
SM2 7JS Drawing No. 1009 – Proposed Roof Plan  
SM2 7JS Drawing No. 1010 – Proposed Section AA  
SM2 7JS Drawing No. 1011 – Proposed Section BB  
SM2 7JS Drawing No. 1012 – Proposed Section CC  
SM2 7JS Drawing No. 1013 – Proposed Front Elevation  
SM2 7JS Drawing No. 1014 – Proposed Rear Elevation  
SM2 7JS Drawing No. 1015 – Proposed 01 Side Elevation  
SM2 7JS Drawing No. 1016 – Proposed 02 Side Elevation  
SM2 7JS Drawing No. 1017 – Proposed Details  
SM2 7JS Drawing No. 1018 – Proposed 3D Axo 01  
SM2 7JS Drawing No. 1019 – Proposed 3D Axo 02  
SM2 7JS Drawing No. 1020 – Proposed Visual

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) Prior to the occupation of the development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (4) No part of the development shall be first occupied until the proposed vehicular access has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

**Reason & Policy:** The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (5) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the Local planning Authority. The plan must 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) provision of boundary hoarding behind any visibility zones
- 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 & Policy:** The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (6) Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on the east side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

**Reason:** The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (7) The garage or car parking accommodation shown upon the approved drawings shall be provided with a hard bound dust free

surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.

**Reason:** To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (8) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses or buildings shall be erected within the curtilage.

**Reason:** To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the building hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (10) Before any occupation of the development hereby permitted, window/s on the side and rear elevations, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (11) Unless otherwise agreed in writing by the Local Planning Authority, the balcony/terrace(s) hereby approved shall not be used for amenity purposes until a privacy screen has been affixed around the entirety of the [east, west] side(s) of the balcony/terrace to a height of 1.7m as measured from the floor level of the balcony/terrace. Aside from essential fixings, the screen(s) shall be constructed entirely of, and retained in, obscured glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases to result in obscurity to level 3.**

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (12) The residential unit 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).**

- (13) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

**Reason: These details are required prior to commencement of development because the details would affect the subsequent design of other elements of the scheme and must be agreed at the outset and to prevent the increased risk of flooding in accordance**

**with Policy CS6 (Sustainable Development) of the LDF Development Management Policies Document Adopted October 2015.**

- (14) The proposed development should not be commenced until the applicant has submitted an FRA which demonstrates that finished floor levels will be set 300mm above the 1% AEP plus 35% climate change flood level or alternative flood mitigation measures that have been submitted and agreed in writing by the Local Authority in consultation with the Environment Agency.**

**Reason: To reduce the impact of flooding both to and from the proposed development and third parties in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).**

- (15) The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including the treatment of boundaries and means of enclosure. Such scheme shall include the location of all existing trees and hedgerows on the site and details of those to be retained. The approved scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the buildings hereby approved.**

**Reason: In the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (16) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 2 cars to be parked. The parking areas shall be used and retained exclusively for its designated use.**

**Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007**

- (17) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following occupation of the buildings or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

**Reason:** To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (18) Bat, swift bricks and bird boxes are to be installed on the dwelling, to enhance the biodiversity interest of the site. The boxes shall be installed prior to the occupation of the development hereby approved and thereafter maintained.

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

**Informatives:**

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

- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:**
- carry out work to an existing party wall;**
  - build on the boundary with a neighbouring property;**
  - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.**

**Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".**

- (5) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)**
- (6) 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 un-cleaned 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).**
- (7) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage**
- (8) The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to guard rails, street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.**

This page is intentionally left blank



Scale : 1:1290

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Epsom and Ewell Borough Council
Department	
Comments	
Date	04 March 2019
SLA Number	100023771

This page is intentionally left blank

**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 5 appeal decisions from the 21<sup>st</sup> January 2019 to 25<sup>th</sup> February 2019.

<b>Site Address</b>	<b>Planning Reference Numbers</b>	<b>Description of Development</b>	<b>Decision + Costs?</b>
5 Poplar Farm Close, West Ewell, Surrey	18/00181/TPO APP/TPO/P3610/6910	Felling of Lombardy Poplar located in the front garden of 5 Poplar Farm Close adjacent to Ronena Chessington Close (T8 of TPO 308).	<b>Allowed</b> 21 <sup>st</sup> January 2019  No costs to either side
9 Ernest Cottages, Kingston Road, Ewell KT17 2DS	18/00033/FLH APP/P3610/W/18/3206483	Replacement of 4 single-glazed, wooden sash windows at the front with 4 double-glazed, wood-effect uPVC sash windows.	<b>Allowed</b> 11 <sup>th</sup> February 2019  No costs to either side
2 Pine Hill, Epsom KT18 7BG	18/00052/OUT APP/P3610/W/18/3208832	Outline application (All matters reserved) for alteration and extension to building to facilitate change of use from 10 bedroom HMO property ( Sui Generis) to 8 flats (Class C3).	<b>Dismissed</b> 11 <sup>th</sup> February 2019  No costs to either side
The land at 415 Kingston Road, Ewell KT19 0BT	Appeal against three Enforcement Notices APP/P3610/C/18/3194904 APP/P3610/C/18/3194905 APP/P3610/C/18/3194906	N/A	<b>Dismissed</b> 11 <sup>th</sup> February 2019  Minor amendments to one of the enforcement notices is required

Land adjacent to the Kings Arms Public House, 144 East Street, Epsom KT17 1EY	17/01209/FUL APP/P3610/W/18/3205106	Erection of a three-storey building on land adjacent to public house building to provide 8 self-contained flats (3x1bed, 3x2 bed 2x3 bed) and associated hard and soft landscaping, car and cycle parking and refuse store and the demolition of a single storey annexe extension to Kings Arms Public House (as amended)	<b>Dismissed</b> 19 <sup>th</sup> February 2019  No costs to either side
---	--	---	---

### **Summary of Appeal Decisions:**

#### **5 Poplar Farm Close, West Ewell:**

The Inspector allowed the felling of the Lombardy poplar as she was not satisfied that the tree will grow no further roots and stem girth and that the options for short term repairs and resurfacing work are limited and would not address the distortion of ground levels to a satisfactory level. She held the view that the overall effect on the character and appearance of the area would be minor.

#### **9 Ernest Cottages, Kingston Road, Ewell:**

This appeal came about through the non-determination of the application within the normal 8 week period. The officer's assessment of the application was to grant permission subject to conditions. As the appeal was made the jurisdiction for the decision rested with the Planning Inspectorate and as such the Inspector assessed the proposal and whether it would preserve or enhance the character or appearance of the conservation area. The Inspector agreed with the Council's officer assessment and as such allowed the appeal.

#### **2 Pine Hill, Epsom:**

The Inspector held the view the plans did not clearly indicate that the building would need to be much larger to provide the 8 flats with their 18 bedrooms. The Inspector acknowledged that the site is a large corner plot however the submitted plans do not at all demonstrate how a building of this scale could be designed to respect local distinctiveness in an area characterised by finely proportioned buildings. The Inspector concluded that based on the submitted information the proposal would unacceptably harm living conditions at the next door house.

**Land at 415 Kingston Road, Ewell:**

The appeal relates to three flats which are unlawful, and the Inspector having regard for the evidence before him upheld the notices. The details of these appeals are set out in the Inspectors Report.

**Land adjacent to Kings Arms Public House, 144 East Street, Epsom:**

The Inspector agreed with the Council to set aside one of the reasons for refusal relating to affordable housing as the Council's Local Plan predates the NPPF and would not be a major for which affordable housing would be required. The Inspector dismissed the appeal and provided a full Report addressing the character and appearance, impacts to existing and future occupiers and development on the adjoining land. In concluding the Inspector held the view that the benefits of the development did not outweigh the harm.

This page is intentionally left blank