

PLANNING COMMITTEE

Thursday 16 January 2020 at 7.00 pm

Council Chamber - Epsom Town Hall

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 Clive Woodbridge (Chair)
Councillor Monica Coleman (Vice-Chair)
Councillor Nigel Collin
Councillor Neil Dallen
Councillor Previn Jagutpal
Councillor Colin Keane
Councillor Jan Mason

Councillor Steven McCormick
Councillor Lucie McIntyre
Councillor Debbie Monksfield
Councillor Peter O'Donovan
Councillor David Reeve
Councillor Humphrey Reynolds

Yours sincerely



Chief Executive

For further information, please contact Democratic Services tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

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Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 5.30pm and 6.30pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting Democratic Services tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 19 December 2019 (attached) and authorise the Chairman to sign them.

3. ASHLEY CENTRE CAR PARK, ASHLEY AVENUE EPSOM KT18 5AL (Pages 27 - 32)

Wall mounted A1 frames on Levels 1, 2 3 and 4 of the car park.

4. BAMBINI DAY NURSERY EWELL COURT HOUSE LAKEHURST ROAD EWELL SURREY KT19 0EB (Pages 33 - 40)

Change of use of existing storage space to class room and kitchen space (D1)

5. BAMBINI DAY NURSERY EWELL COURT HOUSE LAKEHURST ROAD EWELL SURREY KT19 0EB (Pages 41 - 46)

Change of use of existing storage space to class room and kitchen space (D1)
(Listed Building Consent)

6. MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS (Pages 47 - 50)

The Committee is asked to note the appeal decisions from 3 December 2019 to 1 January 2020 and the number of dwellings for which planning permission has been granted.

Minutes of the Meeting of the PLANNING COMMITTEE held on 19 December 2019

PRESENT -

Councillors; Monica Coleman, David Reeve, Nigel Collin, Neil Dallen, Hannah Dalton (as nominated substitute for Councillor Steven McCormick), Bernice Froud (as nominated substitute for Councillor Humphrey Reynolds), Previn Jagutpal, Colin Keane, Jan Mason, Lucie McIntyre, Debbie Monksfield, Phil Neale (as nominated substitute for Councillor Clive Woodbridge) and Peter O'Donovan

Absent: Councillor Clive Woodbridge, Councillor Steven McCormick and Councillor Humphrey Reynolds

Officers present: Steven Lewis (Planning Development Manager), Danny Surowiak (Principal Solicitor), Tom Bagshaw (Planner) and John Robinson (Senior Planner)

48 APPOINTMENT OF CHAIR AND VICE-CHAIR

In the absence of the Chair, Councillor Clive Woodbridge and with the agreement of the Committee, Councillor Monica Coleman was appointed Chair for the evening. Subsequently, Councillor David Reeve was appointed Vice-Chair.

49 DECLARATIONS OF INTEREST

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

Declarations of Interest

Councillor Neil Dallen, Other Interest: Declared he was a member of the Civic Society.

59 Ashley Road Epsom Surrey KT18 5BN 18/00548/FUL

Councillor Nigel Collin, Other Interest: Did not take part in the deliberations or voting for this item.

Odeon Cinema, 16 - 18 Upper High Street, Epsom, KT17 4QJ - 19/01056/REM

Councillor Bernice Froud, Other Interest: Declared that a member of her family worked for Odeon Cinema but she did not receive any financial benefit.

Tree Preservation Order 37 - Revocation - 18a Richlands Avenue

Councillor Hannah Dalton, Other Interest: Declared she was known to and had previously corresponded with the applicant.

50 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 7 November were agreed as a true record and signed by the Chair.

51 59 ASHLEY ROAD EPSOM SURREY KT18 5BN 18/00548/FUL

Description

Residential development of 6 flats in a detached building, including associated landscaping, access and parking following demolition of existing dwelling.

Decision

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

Note: Amendments to Conditions 10 and 11 and an additional condition number 20

Conditions:

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

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

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

BRN /P18/03B Site Layout

ARE/P18/08/A East and West Elevations

ARE/P18/08/A North and South Elevations

ARE/P18/04 Ground floor plan

ARE/P18/05 First floor plan

ARE/P18/06 Second floor plan

ARE/P18/07 Roof plan

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

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

The development shall be carried out in accordance with the approved details.

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

- (4) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge 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.

- (5) 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 landscaping shall incorporate the planting of native species of trees and shrubs. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

- (6) No development shall take place until full details of all boundary treatment have been submitted to and approved in writing by the local authority. The approved scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

- (7) Prior to demolition of the existing building details of the 'no dig' technique, (using a cellular confinement system) of the parking spaces, shall be submitted to and approved by the local planning

authority. The parking spaces shall be constructed in full accordance with the approved details.

Reason: To protect the roots of surrounding trees from damage by root severance and/or compaction in accordance with Policies DM5 and DM9 of the Development Management Policies 2015.

- (8) Prior to commencement of the development details of the method of construction and route of the underground services to the new building shall be submitted to and approved by the local planning authority. The underground services shall be accommodated in full accordance with the approved details.**

Reason: To protect the roots of surrounding trees from damage by root severance and/or compaction in accordance with Policies DM5 and DM9 of the Development Management Policies 2015.

- (9) No development shall commence until a Construction Transport Management Plan, to include details of:**

- a) parking for vehicles of site personnel, operatives and visitors**
- b) loading and unloading of plant and materials**
- c) storage of plant and materials**
- d) programme of works (including measures for traffic management)**
- e) provision of boundary hoarding behind any visibility zones**
- f) HGV deliveries and hours of operation**
- h) on-site turning for construction vehicles**

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

- (10) The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. A parking space shall be allocated to each respective flat unit. Thereafter the parking and turning areas shall be retained**

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.

- (11) The development hereby approved shall not be occupied unless and until at least 20% 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement:

7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by 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 provisions of policy DM36 of the Development Management Policies Document 2015

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

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

- (13) Prior to the first occupation of the new building, "woodcrete" soffit bird and bat boxes, as well as swift and bee bricks, shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.

Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (14) Prior to occupation of the development hereby permitted, detailed elevations, locations and plans of the proposed secure cycle, refuse and recycling storage shall be submitted to and approved by the council. 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; In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007).

- (15) The development shall be carried out strictly in accordance with the Arboricultural Method Statement (Rev 1) Ref: CC/1880 AR4113, and Tree Protection Plan TPP-CC/1880 AR4113 REV 1. 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.

- (16) 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.

- (17) Excavation within the root protection area shall be undertaken by hand under arboricultural supervision as indicated on the Tree Protection Plan TPP-CC/1880 AR4113 REV 1

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.

- (18) All new photo voltaic panels or tiles shall be fitted flush with the adjoining roof surface and shall not project beyond the plane of the roof.

Reason: To safeguard the visual amenities of the area and to ensure a satisfactory appearance to the buildings in accordance with policy DM9 and DM10 of the Development Management Policies Document 2015

- (19) The flank windows in the upper floors and roofslope of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

- (20) Prior to commencement of the development hereby permitted, details of rainwater harvesting and other sustainable and energy efficient measures 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 order to promote sustainable construction in accordance with Policy CS6 of the Core Strategy 2007.

Informatives:

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018.**
- (2) The water efficiency standard required under condition 11 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.**

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

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

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

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

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

More information and the charging schedule are available online:

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

- (4) **No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**
- (5) **(The applicant is informed that the Highway Authority (HA) would seek to secure a S278 agreement prior to works commencing, due to the location of the central pedestrian crossing, as this is also considered to obstruct construction vehicle access and thus impact on the safe movement of pedestrians and free flow of traffic The HA highlight that this aspect can take up to six months and it is recommended that the applicant enter into a S278 agreement at the earliest point.**

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

52 KINGS ARMS PUBLIC HOUSE 144 EAST STREET EPSOM KT17 1EY 19/00900/REM

Description

Variation of Condition 2 (Approved drawings) of planning permission 18/00315/FUL to permit minor revisions to the elevations and fenestration of the proposed new building.

Decision

Variation of Condition 2 **PERMITTED**, subject to the following:

Part A

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below. Subject to a new legal agreement (under the same terms as the extant agreement) being completed and signed by the 31 March 2020 to secure the following previously agreed and secured 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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 31 March 2020, the Head of Planning be authorised to refuse the application for the following reason:

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

Conditions:

- (1) The development hereby permitted shall be commenced within 3 years from the 2 May 2019, the date of the originally approved application 18/00315/FUL that is subject to this application to variation.

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:

Proposed Site Layout 1355-PIn-001A

Proposed Ground and First floor plans 1355-PIn-002A

Proposed Second and Third floor plans 1355-PIn-003A

Proposed North West (Front) elevation 1355-PIn-004A

Proposed South West (Side) elevation 1355-PIn-005A

Proposed South East (Rear) elevation 1355-PIn-006B

Proposed South West (Side) elevation 1355-PIn-007A

Existing and Proposed North West (front) elevation 1355-PIn-009A

Existing and Proposed North East (side) elevation 1355-PIn-010A

Existing and Proposed South East (rear) elevation 1355-PIn-011B

Existing and Proposed South West (side) elevation 1355-PIn-012A

North West Front Elevation (Coloured) 1355-PIn-013

South West Side Elevation (Coloured) 1355-PIn-014

South East Rear Elevation (Coloured) 1355-PIn-015A

North East Side Elevation (Coloured) 1355-PIn-016**Proposed Roof Plan 1355-PIn-017**

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 (including the location and details of three tree pits along the highway frontage). 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) 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

- (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/vehiclecrossovers-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-vehicleinfrastructure.html>

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

53 ODEON CINEMA, 16 - 18 UPPER HIGH STREET, EPSOM, KT17 4QJ - 19/01056/REM

Description

Variation of opening hours

Decision

Variation of opening hours **PERMITTED** subject to the following conditions:

Conditions:

- (1) Details of materials used for the external surfaces of the development shall be those which were submitted to and approved by the Borough Council in planning application 97/00462/FUL. No variation of approved materials shall take place without consent in writing of the Borough Council

Reason: To enable the Borough Council to exercise control over the type and colour of the materials so as to secure the satisfactory appearance in the interests of the visual amenities and character of the locality

- (2) No trenches, pipe runs for services and drains shall be sited within 4.5 metres of the trunk of any tree retained on the site

Reason: To enable the Borough Council to ensure the retention of trees on the site, protected from damage in the interests of visual amenity.

- (3) The premises shall be used for cinema purposes (D2) only, and no other purpose (including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes Order 2015)).

Reason: to ensure a satisfactory form of use of the premises.

- (4) The premises hereby permitted shall only be open to members of the public between the hours of:

Monday 08:00 hours – 24:00 hours.

Tuesday 08:00 hours – 24:00 hours.

Wednesday 08:00 hours – 24:00 hours.

Thursday 08:00 hours – 01:00 hours. Friday

Friday 08:00 hours – 02:00 hours. Saturday

Saturday 08:00 hours – 02:00 hours. Sunday

Sunday 08:00 hours – 24:00 hours.

Reason: In order to safeguard the amenities of the locality

- (5) The footway link identified in the original permission (97/00462/FUL) from upper High Street to Depot Road shall be constructed to an adoptable standard and shall be maintained to that standard thereafter and shall remain open for the use of all members of the public at all times.

Reason: To ensure a satisfactory means of pedestrian access to the development and for all members of the public

- (6) There shall be no means of access from Upper High Street

Reason: the above condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users

- (7) In the event that a pedestrian link between the Upper High Street and Depot Road car park is not provided by the cinema operator must prevent pedestrians from exiting the cinema via any other exit than the Upper High Street except in exception or emergency situations.

Reason: in the interest of pedestrian safety

- (8) The illumination of the site shall be carried out in accordance with the details submitted in application 97/00462/FUL

Reason: To preserve the amenities of the area.

- (9) The odour control of the site shall be carried out in accordance with those details as submitted within application 97/00462/FUL.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

- (10) The noise and vibration control of the site shall be carried out in accordance with those details as submitted within application 97/00462/FUL.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

- (11) No deliveries or servicing of the premises shall take place from Upper High Street or Depot Road between the hours of 07:30 and 09:30 and between 16:30 and 18:30 Mon-Fri, and between the hours of 08:30 and 17:30 on Saturday.

Reason: To ensure that the development does not prejudice the free flow of traffic on condition of safety on the highway or cause inconvenience to other highway users

Informative:

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

54 TOWN HALL CAR PARK, DULLSHOT GREEN, EPSOM KT17 4NY - 19/01285/CLE

Description

Application for certificate of lawful use in respect of hand washing at Hope Lodge and Town Hall Parks.

Decision

Certificate of Lawful Use approved under Section 191 of the Town and Country Planning Act 1990 (as amended)

Reason: The use has been in continuous operation for a period of greater than ten years in accordance with section 171 (3) The Town and Country Planning Act 1990 (as amended)

Informative:

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

55 CAR PARK - UPPER HIGH STREET, EPSOM KT17 4QY - 19/01333/CLE

Description

Application to establish the lawful status of the existing use of part of car park for hand car washing

Decision

Certificate of Lawful Use **APPROVED** under Section 191 of the Town and Country Planning Act 1990 (as amended)

Reason: The use has been in continuous operation for a period of greater than ten years in accordance with section 171 (3) The Town and Country Planning Act 1990 (as amended)

Informative:

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

56 TREE PRESERVATION ORDER 37 - REVOCATION - 18A RICHLANDS AVENUE

Description

Revocation of Tree Preservation order 37

Decision

That the Local Planning Authority is authorised to undertake the process of notification and communication with all affected properties as set out in the legislation of the Council's intention to revoke TPO 37.

In the absence of any objection that Revocation Order be made.

In the event an objection is received to the proposed revocation, a report considering the objection shall return to Planning Committee for final decision.

57 MONTHLY REPORT PLANNING APPEAL DECISIONS

The Committee noted the appeal decisions from 20th October 2019 to 2nd December 2019

The meeting began at 7.00 pm and ended at 8.35 pm

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Ashley Centre Car Park, Ashley Avenue Epsom KT18 5AL

Wall mounted A1 frames on Levels 1, 2, 3 & 4 of the car park

Ward:	Town Ward;
Contact Officer:	John Robinson

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=Q08BKUGYGDZ00>

2 Summary

- 2.1 This application seeks advertisement consent for the display of commercial advertising on A1 size advertising poster frames on the walls of the Ashley Centre car park.
- 2.2 This application has been submitted to committee because the car park is owned by Epsom & Ewell Borough Council.
- 2.3 This application would have an acceptable impact on amenity and would not affect highway safety, meeting planning policy and is therefore acceptable. It is recommended that advertisement consent be GRANTED**

3 Site description

- 3.1 The application site consists of a four storey car park which is part of the Ashley Centre. The car park is situated on the northern side of Ashley Centre.
- 3.2 The site is centrally located within Epsom town Centre as such the area is mixed residential/office/retail in character.
- 3.3 The signage subject of the application is in situ, are located internally within the parking levels of the Ashley Centre and are not readily visible from the surrounding area.

4 Proposal

- 4.1 This application seeks advertisement consent for the display of commercial advertising on A1 size advertising poster frames on the walls of the Ashley Centre car park.
- 4.2 The non-illuminated poster frames which measure 880mm (h) x 630mm (w) x 30mm (d) currently promote Council news and messages. It is intended to hire the posters for the display commercial advertising.
- 4.3 There are 10 poster frames at various locations within the car park (near the Shop Mobility parking area (Level 1), Pay Machines (on Levels 2-4) and two frames are also located within the stairwells of the car park)

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 5 neighbouring properties. To date (08.01.2020) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
16/01858/FUL	16.05.2017	Proposed installation of perimeter safety fencing for the parking area on the first, second, third and fourth floors in the area of the main entrance/exit for vehicles.	GRANTED
18/00459/FUL	11.10.2018	Proposed installation of perimeter security fencing	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed places

Core Strategy 2007

Policy CS1 Sustainable Communities

Policy CS5 The Built Environment

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM15 Advertisements and Hoardings

9 Planning considerations

Under the Advertisement Regulations 2007, the main issues to consider in the determination of this application are whether the proposed signage would harm highway safety or public amenity.

Impact on Public Amenity

- 9.1 Chapter 12, Para132 of the NPPF 2019 states that the quality and character of places can suffer when advertisements are poorly sited and designed
- 9.2 Policy DM15 requires that advertisement proposals must demonstrate that their design and siting does no demonstrable harm to the character of the surrounding townscape.
- 9.3 The poster frames are mounted within the car park building and would not be visible in the streetscene.

- 9.4 It is therefore concluded that the location nature, scale and material finish of the signage is acceptable, and would comply with policy DM9, and DM15

Impact on Public Safety

- 9.5 Surrey County Council Highways Authority has assessed the proposals and has no recommendations to make on safety, capacity or policy grounds

10 Conclusion

- 10.1 This application meets planning policy and is therefore acceptable. In light of the above it is recommended that advertisement consent be GRANTED

11 Recommendation

- 11.1 Advertisement consent is granted subject to the following conditions

Condition(s):

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (2) No advertisement shall be sited or displayed so as to:**

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (3) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

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

Location photographs dated 14.10.2019

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 CS1 and CS15 of the Core Strategy (2007).

- (7) Under the provisions of Part VIII of the Town and Country Planning Act, 1990, IT IS HEREBY EXPRESSLY CONSENT subject to the conditions specified to the display for a period of five years from the date hereof, of the advertisements(s) 16 January 2020.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity

Informative:

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

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Bambini Day Nursery Ewell Court House Lakehurst Road Ewell Surrey KT19 0EB

Change of use of existing storage space to class room and kitchen space (D1)

Ward:	Ewell Court Ward;
Contact Officer:	John Robinson

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=PMSZMSGYM6N00>

2 Summary

- 2.1 The applicant seeks permission for the change of use of an existing storage building located within the grounds of Ewell Court House a Grade II listed building to a class room and kitchen space (Use Class D1)
- 2.2 The application is submitted to Committee as the property is Council owned.
- 2.3 The principle of the proposed change of use is considered to be acceptable
- 2.4 No external changes to the building are proposed.
- 2.5 A Listed Building Consent application has been submitted in tandem with this application under reference 19/01159/LBA.
- 2.6 The application is recommended for APPROVAL of Planning Permission**

3 Site description

- 3.1 Ewell Court House is a substantial former residential property located to the south of Lakehurst Road which is now owned by Epsom and Ewell Borough Council. The building is Grade II listed.
- 3.2 It is a Jacobean style building of 1879 which incorporates an earlier house of 1690 in its service wing. It is a mostly two-storey building with red brick walls, sandstone window dressings and a pitched tiled roof.

- 3.3 The building sits in substantial grounds on the edge of the Hogsmill Countryside Area. The building is used as a library and function rooms and the northern part is used as a children's nursery.
- 3.4 The application site comprises a single storey building located within the curtilage of Ewell Court House.
- 3.5 The single storey building has a rectangular footprint measuring approximately 4.5m (w) x 7.8m

4 Proposal

- 4.1 The application is for the change of use from storage to a classroom and kitchen space for use as part of the current occupier, Bambini Nursery. The applicants submit that the room would be used as a classroom for 3-5 year old children as an addition to their existing operation located in the West Wing of the Main house adjacent to the dairy. The building would only be internally refurbished (addition of electric wall heaters, addition of a single toilet and a small kitchen area)
- 4.2 The room would be in use Monday - Friday 08:00 - 18:00 hrs. The maximum number of children would be 10 with 2 members of staff.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 12 neighbouring properties. To date (08.01.2020) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection
- 6.2 Conservation Officer: No objections, there is no heritage significance to the storage building and no harm to the significance of Ewell Court.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01845/FUL	13.05.2016	Conversion of unused toilet outbuilding to habitable classroom/playroom for use as part of the Bambini Nursery.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 8 Promoting healthy and safe communities

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1 Creating sustainable communities

Policy CS5 The built environment

Development Management Policies Document 2015

Policy DM8 Heritage assets

Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new development

Policy DM34 New Social Infrastructure

9 Planning considerations

Principle of Proposed Development

9.1 Chapter 8 para 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

- 9.2 Chapter 16 para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.3 Para 192 sets out that In determining applications, local planning authorities should take account of inter alia a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.4 The proposal would bring back into use an unused storage building as a community facility. The proposed alterations are to a part of the building which is of less historic significance because of its later construction more minimal architectural embellishment which does not continue the Jacobean character of the main body of the building and because the works are all internal.
- 9.5 The internal room plan is not of historic significance and there should be no harm resulting from the proposed works. Therefore the proposal is acceptable in principle, subject to the detailed consideration of the other planning considerations below.

Impact on the Significance of a Listed Building

- 9.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.7 The application building abuts the Grade II listed Ewell Court House. The (storage) building is a contemporary addition to the main listed building, and there are no external alterations proposed. The proposal would therefore not harm the historical significance of the listed building.
- 9.8 The proposal would therefore comply with Policy DM8.

Visual Impact

- 9.9 Chapter 12 of the NPPF relates to the achievement of well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- 9.10 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 9.11 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.12 The existing storage building is a contemporary addition to the Listed Building, and is of no architectural or historic interest. No external alterations are proposed. The proposed conversion to a compatible new use causes no harm to the significance of the principal designated heritage asset or to the significance of the other listed elements within the curtilage and there is no objection in terms of Policy DM8.

Highways

- 9.13 Paragraph 109 of the NPPF 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.
- 9.14 Policy DM37 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.

- 9.15 There would be a maximum of 10 children attending the nursery school with two members of staff. Ewell Court House is served by a car park with 36 spaces (Free, Monday to Friday with a maximum stay of 3 hours). The applicants are in possession of an annual permit for two parking spaces.
- 9.16 The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
- 9.17 The Highways Officer stated that the proposed change of use from storage space to classroom/kitchen space would not amount to a significant increase in trip rates to and from the site and concluded that the proposal does not raise a concern that it will impact on highway safety in terms of parking and/or capacity grounds and we therefore hold no objection.

Residential Amenity

- 9.18 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.
- 9.19 Given the location of the proposed works within the site, there would be no adverse impact on the occupiers of any adjacent residential dwelling.
- 9.20 The scheme would therefore comply with PolicyDM10

Community Infrastructure Levy

- 9.21 The proposed scheme would not be CIL liable

10 Conclusion

- 10.1 The proposed development would not result in any heritage impact and would restore and re-use of a storage building. The proposed change of use and principle of the internal alterations would provide public benefit, supporting the existing nursery school. The proposal would not result in any material highway impact and therefore the proposed scheme is considered to be an acceptable development and is recommended for approval.

11 Recommendation

- 11.1 This application is recommended for APPROVAL subject to the following conditions.

Condition(s):

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

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

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

Proposed floorplan

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

- (3) The operating hours of the nursery school hereby permitted shall be between the hours of 08:00 -18:000 (Monday – Fridays) only.**

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC10 of the Development Management Policies Document 2015

Informative:

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

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Bambini Day Nursery Ewell Court House Lakehurst Road Ewell Surrey KT19 0EB

Change of use of existing storage space to class room and kitchen space (D1) (Listed Building Consent)

Ward:	Ewell Court Ward;
Contact Officer:	John Robinson

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=PXNNJ YGYG0F00>

2 Summary

- 2.1 This application seeks Listed Building Consent for the physical conversion of an existing storage building located within the grounds of Ewell Court House, a Grade II listed building, to a class room and kitchen space.
- 2.2 The application is referred to the Committee as the property is owned by the Council.
- 2.3 No external changes to the building are proposed.
- 2.4 The proposed internal amendments would not harm the fabric of the building and will not harm the setting of the Listed Building. The proposal is considered to comply with Policies DM8, DM9 and DM10
- 2.5 A detailed planning application has been submitted in tandem with this application under reference 19/00048/COU
- 2.6 **It is recommended that Listed Building consent be GRANTED.**

3 Site description

- 3.1 Ewell Court House is a substantial former residential property located to the south of Lakehurst Road which is now owned by Epsom and Ewell Borough Council.

- 3.2 The building is Grade II listed. It is a Jacobean style building of 1879 which incorporates an earlier house of 1690 in its service wing. It is a mostly two-storey building with red brick walls, sandstone window dressings and a pitched tiled roof. The building sits in substantial grounds on the edge of the Hogsmill Countryside Area. The building is used as a library and function rooms and the northern part is used as a children's nursery.
- 3.3 The application site comprises a single storey building located within the curtilage of Ewell Court House
- 3.4 The single storey building has a rectangular footprint measuring approximately 4.5m (w) x 7.8m

4 Proposal

- 4.1 The application is for the physical conversion from storage to a classroom and kitchen space for use as part of the Bambini Nursery. The building would only be internally refurbished (addition of electric wall heaters, addition of a single toilet and a small kitchen area)

5 Comments from third parties

- 5.1 The application was advertised by means of a site and press notice, and letters of notification to 12 neighbouring properties. To date (08.01.2020) no letters of objection have been received

6 Consultations

- 6.1 Conservation Officer: No objections – No harm to the significance of the Listed Building or its setting.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01845/FUL	13.05.2019	Conversion of unused toilet outbuilding to habitable classroom/playroom for use as part of the Bambini Nursery.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1 Creating sustainable communities

Policy CS5 The built environment

Development Management Policies Document 2015

Policy DM8 Heritage assets

Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new development

9 Planning considerations

Impact on the Significance of a Listed Building

9.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.

- 9.2 Chapter 16 para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.3 Para 192 sets out that In determining applications, local planning authorities should take account of inter alia a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.4 The existing storage building is a contemporary addition to the Listed Building, and is of no architectural or historic interest. No external alterations are proposed and the internal amendments would not be significant. The proposed conversion to a compatible new use causes no harm to the significance of the principal designated heritage asset or to the significance of the other listed elements within the curtilage and therefore there is no objection in terms of Policy DM8.

Conclusion

- 9.5 The internal alterations to the building are considered favourably. The proposed alterations would return the building to use.

10 Recommendation

- 10.1 GRANT Listed Building Consent , subject to the following conditions:

Conditions:

- (1) **The works hereby granted shall be commenced before the expiration of three years from the date of this consent.**

Reason: To comply with Section 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2004.

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

Proposed Floor Plan received on 11.10.2019

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).

Informative:

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

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Monthly Report on Appeals and Housing Numbers

Ward:	(All Wards);
Contact Officer:	Steven Lewis

Report by Steven Lewis, Planning Development Manager/Ruth Ormella, Head of Planning

The Planning Service has received the following Appeal decisions from 3rd December 2019 to 1st January 2020.

Site Address	Planning reference	Description of development	Decision and Costs
The Station House (Stoneleigh Inn) Stoneleigh Broadway Epsom	APP/P3610/Y/19/3237467 18/01522/FUL	Removal and replacement of 3 no antenna, 2no cabinets to be replaced with new and ancillary development (Planning Appeal)	Dismissed – No costs
The Station House (Stoneleigh Inn) Stoneleigh Broadway Epsom	APP/P3610/W/19/3237463 Ref 18/01523/LBA	Removal and replacement of 3 no antenna, 2no cabinets to be replaced with new and ancillary development (Listed Building appeal)	Dismissed – No costs
Epsom Beaumont Care Home 20-22 Church Street, Epsom,	APP/P3610/Y/19/3236451 19/00384/FUL	Two storey rear extension to provide 8 bedrooms and two lounges; alterations to car park. (Listed Building Appeal)	Dismissed – No costs
Epsom Beaumont Care Home 20-22 Church Street, Epsom,	APP/P3610/W/19/3236449 19/00385/LBA	Two storey rear extension to provide 8 bedrooms and two lounges; alterations to car park (Planning Appeal).	Dismissed – No costs
29A Cox Lane, Epsom	APP/P3610/W/19/3235797 19/00291/FUL	Demolition of existing garage and erection of 3 bedroom house	Dismissed – No costs
2 Woodcote Green House,	APP/P3610/W/19/3231366 18/01357/FLH	Erection of first floor rear extension, replacement of existing garage,	Allowed – No costs

Woodcote Green Road, Epsom		external and internal alteration'. (Planning Appeal)	
2 Woodcote Green House, Woodcote Green Road, Epsom	APP/P3610/Y/19/3231380 18/00974/LBA,	Erection of first floor rear extension, replacement of existing garage, external and internal alteration'. (Listed Building Appeal)	Allowed - no costs

Summary of Appeal Decisions:

The Station House (formerly Stoneleigh Inn), Stoneleigh Broadway,

The Inspector found that the installation would appear as a jarring feature in sufficient public views as to cause harm to the appreciation of the architectural significance of the listed building and its setting, while the preservation of listed buildings does not rely on a public view in any event.

The level of harm defined was within the 'less than substantial' range but towards the higher end, and the public benefits to be identified needed to be that much greater.

The appellant had not addressed the alternatives for the antenna, facing as it does open land over the railway and car park, and it is unclear why this could not be fixed in a less obtrusive location.

Epsom Beaumont Care Home, 20 - 22 Church Street, Epsom

The Inspector identified the main issues as being that architectural or historic significance of the listed building and its setting and also in the case of the planning appeal additionally the impact on the setting of the conservation area and trees.

With regard to this main issue and Reasons for Refusal 2, 3 and 4, they concluded that the proposal would not cause harm to the character and appearance of the Church Street Conservation Area either through the effect on the garden area or trees, and that the development would accord with the relevant parts of adopted policies.

The Inspector considered that the harm identified to designated heritage assets amount to that; to the listed building and its setting, as 'less than substantial' harm. The public benefits in greater provision to assist in meeting an increasing needs of privacy and comfort for the occupiers was not deemed to outweigh the [preservation of the heritage asset and the appeal was dismissed.

29A Cox Lane, Epsom

The Inspector judged that the harm arising from the deficiencies of the proposal in relation to overlooking of an adjacent property, provision of insufficient amenity space for a family dwelling and in respect of biodiversity interests would significantly and demonstrably outweigh the benefit of a single dwelling when assessed against the policies of the Framework taken as a whole.

2 Woodcote Green House, Woodcote Green Road, Epsom

The Inspector concluded that the proposed works and development would preserve the special architectural or historic interest of the listed building as a whole, the group of listed buildings of which it forms a part and would therefore preserve the character and appearance of the Chalk Lane Conservation Area

Net No. of dwellings for which planning permission has been granted

Month	Committee	Delegated	Appeal
January	0	3	0
February	0	6	1
March	0	17	0
April	32	11	0
May	21	14	0
June	0	7	0
July	109	5	1
August	0	2	3
September	0	10	1
October	13	1	0
November	1	3	0
December	6	4	0
Total	271		

Annual target 695 dwellings

It should be noted that the above table and figures only count decisions which have been formally issued and also exclude decisions where there is an extant planning permission to avoid double counting.

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